**UNITED
NATIONS**

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/ISR/1-2
8 April 1997

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial and second periodic reports of States parties*

ISRAEL

---

* The present report is being issued as received, without formal editing.

CONTENTS

Page

Introduction 13
Background Facts and Figures About Israel 14
1 .Land and People 14
  1. 1 .Geography 14
  1. 2 .Demographics 14
  1. 3 .The Economy 14
  1. 4 .Language 15
2 .General Political Structure 15
  2. 1 .Recent History 15
  2. 2 .Structure of Government 16
3 .The Judiciary 18
4 .Basic Laws 19
5 .The State Comptroller 19
ARTICLE 1 Definition of Discrimination Against Women 21
1 .The Constitutional Level 21
2 .Equal Rights Legislation 22
3 .Judicial Development of the Right to Equality 23
4 .The Elimination of Discrimination in the Private Sphere 23
  4. 1 .The UN Convention's Internal Applications and Standing 25
ARTICLE 2 Obligations to Eliminate Discrimination 27
1 .Legal Provisions 27
2 .Legal Recourse Available for the Pursuit of Women's Rights 28
3 .Governmental Machineries, Mechanisms and Measures Established to Promote the Status of Women 29
  3. 1 .Investigative and Study Initiatives by the Government 29
    3. 1. 1 .General Examination of the Overall Status of Women in Israel 29
    3. 1. 2 .Examination of Women's Status in Civil-Service 30
  3. 2 .Specific Mechanisms Implemented for the Improvement of the Status of Women 31
    3. 2. 1 .The Prime-Minister's Advisor on the Status of Women 31
    3. 2. 2 .The statutory Authority's functions, as set in the proposed bill, will include: 32
    3. 2. 3 .The Knesset Committee for the Advancement of the Status of Women 32

/...

3. 3 .Governmental Performance in Civil-Service 34
3. 4 .Mechanisms for the Advancement of Women in Specific Government Ministries 35
3. 5 .Measures Taken on the Municipal Level 36
ARTICLE 3 The Development and Advancement of Women 38
1 .Non-Governmental Women's Organizations in Israel 38
1. 1 .Introduction 38
1. 2 .Jewish Women's Organizations 38
1. 3 .Organizations for the Advancement of Arab Women 40
1. 3. 1 .Arab Organizations for the Promotion of Women 40
1. 3. 2 .Other Organizations Which Promote Arab Women 42
1. 4 .Associations of Women's Organizations 42
ARTICLE 4 Acceleration of Equality Between Men and Women 44
1 .Affirmative Action 44
1. 1 .Affirmative Action in Government Corporations 44
1. 2 .Affirmative Action in the Civil Service 45
1. 3 .Public Perceptions Regarding Affirmative Action 46
1. 4 .Affirmative Action in Other Areas 46
2 .Special Measures Aimed at Protecting Maternity 46
ARTICLE 5 Sex Roles and Stereotyping 48
1 .Introduction 48
2 .Women Employed in the Media 48
2. 1 .Rank of Women's Positions 50
3 .Women and Media in Israel 52
3. 1 .Representation of Women in the Media 52
3. 2 .Content Relevant to Women 52
3. 3 .Advertising 53
3. 4 .Women and Crime 53
3. 4. 1 .Women as Criminals 54
3. 5 .Equal Language in Television 54
3. 6 .Campaign Advertisements and Representation of Women 55
3. 6. 1 .Limited Coverage 55
3. 6. 2 .Content of the Representation 55
3. 7 .Women as Agents of Change 56

/...

3. 8 .Media Campaigns Against Violence Against Women 56
    3. 8. 1 .*Ezrat Nashim* - To Increase Awareness of Help Centers 56
    3. 8. 2 .The Prime Minister's Campaign 57
    3. 8. 3 .Other Programming 57
4 .Pornography 57
5 .Women and Religion in Israel 59
  5. 1 .Women of the Wall 59
6 .New Immigrants from the Former USSR 60
  6. 1 .Typical problems facing new female immigrants: 61
    6. 1. 1 .Lack of employment: 61
  6. 2 .Single parent immigrant families from the former USSR: 63
    6. 2. 1 .Introduction 63
    6. 2. 2 .Employment in Israel 64
    6. 2. 3 .Financial Status 64
    6. 2. 4 .Aid for Single Parent Immigrant Families 65
7 .Violence Against Women 65
  7. 1 .Sexual Violence--Legal Aspects 65
    7. 1. 1 .The Penal Law Today 65
    7. 1. 2 .The *Shomrat* Case 67
    7. 1. 3 .The Element of Consent and Issues of Evidence 69
    7. 1. 4 .Sex Crimes Against Family Members 70
  7. 2 .Family Gender-Based Violence--Legal Aspects 70
    7. 2. 1 .Other Recent Legislative Amendments 73
    7. 2. 2 .Spousal Murder 74
  7. 3 .Extent of the Phenomenon of Sexual Violence Against Women 74
    7. 3. 1 .Police Handling of Sex Crimes Against Women 78
    7. 3. 2 .Prosecutorial Policy Regarding Sexual Violence Against Women 79
    7. 3. 3 .Sentencing for Sex-Crimes 79
    7. 3. 4 .About the Help Centers 80
    7. 3. 5 .Funding of the Help Centers 80
  7. 4 .Extent of the Phenomenon of Domestic Violence 81
    7. 4. 1 .Police Handling of Domestic Violence 81
    7. 4. 2 .The Be'er Sheva Model 84

7. 4. 3 - 1993 .Today 85

7. 4. 4 .Statistical Data on Current Police Practices Regarding the Handling of Domestic Violence Cases 86

7. 4. 5 .Prosecutorial Policy Regarding Victims of Domestic Violence 86

7. 4. 6 .Centers for the Treatment and Prevention of Domestic Violence 87

7. 4. 7 .Shelters for Battered Women 88

7. 4. 8 .Hotlines 88

7. 4. 9 .Coverage of Medical Treatment 89

7. 4. 10 .Future Services to be Provided 89

ARTICLE 6 Suppression of the Exploitation of Women 90

1 .General 90

2 .The Legal Framework 90

3 .Evaluation of the Actual Situation 93

4 .Involvement of Minors in Prostitution 94

5 .Social Attitudes Towards Prostitutes 95

5. 1 .The Connection between Prostitution and Women's Criminality (Mainly Drugs(95

6 .Rehabilitation Programs for Women and Girls in Distress 95

ARTICLE 7 Political and Public Life 97

1 .The Right to Vote and Be Elected 97

1. 1 .Voting Patterns 97

2 .Women as Members of Political Parties 98

2. 1 .Party Membership and Voting 98

2. 2 .Public Awareness of Women Candidates 99

2. 3 .Securing Places for Women 100

3 .Women's Representation in the Knesset 100

3. 1 .Women as Knesset Members 101

4 .Women in Government 101

5 .Women in Local Authorities 101

6 .Women in the Civil Service 102

6. 1 .Ranks of Women in the Civil Service 102

6. 2 .Tenders in the Civil Service 103

7 .Women in Public Institutions 104

7. 1 .In the General Labor Union (Histadrut(........ 104

/...

7. 1. 1 .Resolution Securing Equal Representation for Women 104
7. 2 .Workers' Committees and Labor Councils.. 105
8 .The Judiciary.. 105
9 .Representation in Religious Bodies 106
9. 1 .Rabbinical Courts.. 106
9. 2 .Municipal Religious Councils.. 106
10 .Government Corporations.. 107
11 .Women's Political Activism 108
12 .Women in the Security Forces: Military and Police... 110
12. 1 .The Legal Framework 110
12. 1. 1 .The Miller Case.. 111
12. 2 .Women and Men in the Military--Some Data 112
12. 2. 1 .Women and Men Officers... 113
12. 2. 2 .Distribution of Men and Women among Jobs in the Military................ 116
12. 3 .Interaction Between the Military and Civilian Life.. 119
12. 4 .The *Chen*--Women' Corps 120
12. 5 .Sexual Harassment in the Army 121
12. 6 .Women in the Police.. 122
ARTICLE 8 International Representation and Participation 123
1 .General... 123
2 .Details on Women's Representation... 123
3 .Women Representatives to International Organizations 125
ARTICLE 9 Nationality 126
1 .Citizenship 126
2 .Residency.. 127
ARTICLE 10 Education... 129
1 .General and Legal Introduction 129
2 .Illiteracy Rates and Educational Levels.. 131
3 .High Schools in Israel.. 133
3. 1 .Basic Description of the School System and the Opportunities Available to Students in High Schools.. 133
3. 2 .General and Technological / Vocational Tracking... 135
3. 3 .Matriculation Levels 136

3. 4 .Education Rates, Attendance Rates and Drop-Out Rates 137

4 .Talented and Gifted Children 139

5 .Classroom Interaction and Teacher- Student Relationships 140

6 .Activities and Educational Programs Adopted by the Ministry of Education in Order to Prevent Discrimination 140

6. 1 .Gender Stereotypes Within School Books 140

6. 2 .Other Instructions and Intervention Programs of the Ministry of Education Which Aim to Prevent Discrimination 141

6. 3 .Young Leadership Programs in Schools 143

7 .Sex Education and Education on Family Life 143

8 .The State Religious Education 143

9 .Teachers 144

9. 1 .Teaching- as a Feminine Profession 144

9. 2 .Teacher's Salaries 148

9. 3 .Administrative Positions 148

10 .Physical Education and Sports 150

11 .Higher Education 153

11. 1 .Women as Students 153

11. 1. 1 .Opportunities 153

11. 1. 2 .Percentages of University Students and Graduates 153

11. 2 .Average Age at Which Students Receive Each Degree 155

11. 3 .Non-University Higher Education 156

11. 4 .Minorities in Higher Education 157

11. 5 .Women in the Academic Staff 157

11. 5. 1 .Percentage of Women Among the Academic Staff 157

11. 6 .Percentages of Women in Various Departments 160

11. 7 .Activities to Improve the Situation 160

12 .Adult Education 160

ARTICLE 11 Employment 162

1 .Legislative Measures 163

1. 1 .Protections Against Discrimination 163

2 .Women's Health and Employment 166

3 .Pregnancy and Maternity Leave 167

/...

3. 1 .Fertility Treatment and Medical Absences During Pregnancy 167
3. 2 .Maternity Leave 168
3. 2. 1 .High Risk Pregnancy Leave 168
3. 2. 2 .Unpaid Leave of Absence 169
3. 2. 3 .Permitted Absences Upon Return to Work 169
3. 2. 4 .Dismissal 169
4 .Parenthood 169
5 .Affirmative Action 170
6 .Social Security Benefits 170
6. 1 .The National Insurance Law (New Version)-1995 170
7 .Taxes 171
8 .Employment of Women - Data and Analysis 171
8. 1 .Women in the Labor Market 172
8. 1. 1 .Women's Participation in the Workforce 172
8. 2 .Work Patterns 175
8. 3 .Unemployment 178
8. 4 .The Careers of Women: Levels and Salaries 179
8. 4. 1 .Women's Occupational Distribution and Gender Segregation 179
8. 5 .The Glass Ceiling 184
8. 6 .Salary and Earning Gaps 185
9 .Vocational and Professional Training for Women 188
10 .Childcare 191
11 .Enforcement of Employment Legislation 194
11. 1 .The Department of Supervision of Labor Laws of the Ministry of Labor and Welfare 194
11. 2 .The Department of Labor Law Enforcement 194
11. 2. 1 .The Equal Employment Opportunities Law 194
11. 2. 2 .Minimum Wage Law 195
12 .Women's Employment among the Arab Population in Israel 196
12. 1 .Trends in Occupations in Arab Villages 196
12. 2 .Workforce Size and Unemployment Rate 197
12. 3 .Causes for Unemployment 198
12. 4 .Differences in Employment Patterns Amongst Single & Married Arab Women 199

/...

ARTICLE 12 Equality in Access to Health Care 202

1 .Introduction 202

2 .The Legal Framework 202

  2. 1 .Introduction 202

  2. 2 .The National Health Insurance Law 203

    2. 2. 1 .Universal Coverage Under the National Health Insurance Law 203

  2. 3 .The Health Tax 204

  2. 4 .Equality in Health Care 204

    2. 4. 1 .Eligibility 204

    2. 4. 2 .Differences in Needs as a Barrier to Equality in Israel 204

3 .Special Health Services for Women 205

  3. 1 .Pre/Post Natal Services: Mother-Child Clinics 205

  3. 2 .Delivery Rooms and Maternity Wards 205

  3. 3 .Women's Health Clinics 206

  3. 4 .Geriatric Services 206

4 .Family Planning Among Israeli Women 206

  4. 1 .Legal Abortions 206

  4. 2 .Abortion rates 207

  4. 3 .Illegal Abortions 210

  4. 4 .Pronatalism and Family Planning in Israel 210

  4. 5 .Hysterectomies 211

5 .Fertility Rates, Treatments, and Services 211

  5. 1 .Birth Rates and Fertility Rates 211

  5. 2 .Fertility Treatments and Services 213

6 .Life Expectancy 214

7 .Mortality Rates and Causes of Death 215

  7. 1 .Infant Mortality Rates 215

  7. 2 .Maternal Mortality Rates 216

  7. 3 .Standardized Mortality Rates 216

  7. 4 .Causes of Death 217

  7. 5 .Breast Cancer Among Israeli Women 217

  7. 6 .Mammograms 218

8 .Hospitalization 219

/...

9 .Violence as a health factor 220
10 .AIDS 220
11 .Women in Health care 221
    11. 1 .Women in Medical School 221
    11. 2 .Women as Medical Personnel 221
12 .Arab Women and Health Services 222
    12. 1 .Health Care Services offered to Arab Women 223
    12. 2 .Life Expectancy and Causes of Death Among Arab Women 224
    12. 3 .Infant Mortality Rates among Arab Newborns 224
    12. 4 .Fertility and Family Planning 226
ARTICLE 13 Social and Economic Benefits 227
1 .Women in the Economy 227
    1. 1 .Women as Members on Boards of Israeli Companies 227
    1. 2 .Attitude of omen Directors 228
    1. 3 .Women in Small Businesses 228
2 .Social Benefits and the Welfare State in Israel 230
    2. 1 .The National Insurance Institute 230
    2. 2 .Social Benefits 230
        2. 2. 1 .Maternity Grant 230
        2. 2. 2 .Old Age Pension and Survivor's Benefit 231
        2. 2. 3 .Longterm Care Insurance 231
        2. 2. 4 .Unemployment Benefits 231
        2. 2. 5 .Children's Allowances 232
        2. 2. 6 .Alimony Payments 232
    2. 3 .Poverty of Women 232
        2. 3. 1 .Single Parent Families 234
        2. 3. 2 .Poverty among the Elderly 235
    2. 4 .Combating Poverty 235
        2. 4. 1 .Income Support 235
ARTICLE 14 Rural Women 236
1 .Bedouin Women 237
    1. 1 .Introduction 237
    1. 2 .Family 237

1. 3 .Israel's Influence on the Bedouin Social Structure 237
    1. 3. 1 .The Rise in Polygamous Marriages 237
    1. 3. 2 .Modernization as a Bane to the Status of Bedouin women 238
1. 4 .Employment 239
1. 5 .Education 239
1. 6 .Ritual Female Genital Operations (Female Circumcision(........ 240
1. 7 .Organizations for the Advancement of Bedouin Women 241
1. 8 .Health 241
1. 9 .Violence Against Bedouin Women........ 242
2 .Women on the Kibbutz 242
2. 1 .The Myth of Equality 242
2. 2 .A Woman's Role in the Kibbutz 243
    2. 2. 1 .Education 243
2. 3 .Employment 244
2. 4 .Appointment of Men and Women to Public and Political Positions on the Kibbutz 245
ARTICLE 15 Equality Before the Law and in Civil Matters 246
1 .Legal Capacity of Women 246
2 .Gender-Specific Legal Concepts 246
3 .Equal Participation of Women in the Courts-System 247
3. 1 .Gender Bias in the Courts 248
    3. 1. 1 .Special Study of Gender Bias in Israeli Courts 248
    3. 1. 2 .Main Findings of the Study 248
    3. 1. 3 .Workshops on Gender Bias for Judges 249
ARTICLE 16 Equality in Marriage and Family Law 250
1 .Introduction 251
2 .Reservations to Article 16 251
3 .Some Demographic Data 251
4 .Non-Marital Cohabitation 253
5 .Minimum Marital Age 255
6 .Bigamy 256
7 .Parents and Children 257
7. 1 .Child Custody 257

7. 2 .Paternity and Unwed Mothers 258
7. 3 .Child Support 258
8 .Married Women's Legal Status with Respect to Property Acquisition and Division of Marital Property upon Marital Breakdown 259
9 .Law of Inheritance 259
10 .Names law 260
11 .Single Mothers 260
12 .New Reproductive Technologies and Surrogacy 261
Selected Bibliography 263

Introduction

Israel ratified the Convention on the Elimination of All Forms of Discrimination Against Women on October 3rd, 1991. The following is the Combined Initial and Second Report submitted by Israel to the Committee on the Elimination of Discrimination against Women. The Report was commissioned by the Ministry of Justice and the Ministry of Foreign Affairs.

The Report was prepared by: Dr. Ruth Halperin-Kaddari
Bar-Ilan University Faculty of Law

Managing Coordinator: Ms. Atara Kenigsberg, Adv.
Research Assistants: Ms. Lila Margalit, Ms. Skaidrit Bateman, Ms. Elisa Schwartz, Ms. Naama Heller-Tal, Mr. Shamai Leibowitz, Mr. Yehudah Bendekovski (Computer Technician)

Editor: Dr. Susan Kahn

The aim of this Report is to give a comprehensive description of the legal and sociological situation of women in Israel. Accordingly, each chapter will be divided into legal and sociological sections. The detailed questions which formulated by the Internatioal Women's Rights Action Watch guided this Report, and will be addressed to the Israeli context.

During the course of the extensive research that was required for the production of this Report, all government ministries, as well as other relevant government institutes, were requested to supply information and data concerning their areas of operation. The information contained in the Report relies heavily on the materials supplied by the various ministries and institutes, as well as on information supplied by NGOs, and on other independent and academic research.

NGOs were significantly involved in the preparation of this report. All the major NGOs that deal with women's rights and women's status in Israel were contacted at the initial stages of the work. The organizations were asked to provide information about their activities, and to offer help in their areas of specialization. In addition, the preparation of this report was announced to the Feminist Conference in October 1996, in which all feminist organizations in Israel participated. Furthermore, an announcement about this project and an appeal for help in obtaining information was placed in the Israel Women's Network newsletter, which reaches over 1500 readers.

Background Facts and Figures About Israel

1. Land and People

1. 1. Geography

With Lebanon to the north, Syria to the northeast, Jordan to the east, Egypt to the southwest and the Mediterranean Sea to the west, Israel's area, within its boundaries and ceasefire lines, is 10,840 square miles (27,800 sq. km.). Long and narrow in shape, it is some 280 miles (450 km.) in length and about 85 miles (135 km.) across at the widest point.

The country may be divided into four geographical regions: three parallel strips running north to south and a large, mostly arid zone in the southern half.

1. 2. Demographics

As of June 1996, the total population of Israel numbered 5,685,500 of whom 4,598,300 were Jews and 1,087,500 were non-Jews. According to the latest figures available for the demographic breakdown of the non-Jewish population in Israel December 1994), at that time 781,500 were Moslems, 157,300 were Christians (Catholic, Protestant and Orthodox) and 91,700 were Druze.

The birthrate in 1995, was 21.1 per thousand while the infant mortality rate was 6.8 per thousand. As of 1993, life expectancy for male Israelis was 75.3 years and for female Israelis, 79.5 years. The total fertility rate was 2.9 per thousand. 29.7% of the population was aged 14 or younger while 9.5% of the population was aged 65 or older.

Israel has a literacy rate of over 95%.

1. 3. The Economy

Israel's Gross Domestic Product (GDP) in 1995 was 261.11billion New Israeli Sheqel (NIS) (approximately $85billion). GDP per capita was approximately 46,750 NIS (approximately $15,000). The external debt was $44.28billion.

The dollar exchange rate at the close of 1990 was 2.048 NIS per $1, and at the close of 1995, 3.135 NIS per $1. The annual average of the dollar exchange rate in 1990 was 2.0162, and in 1995, stood at 3.0113.

1. 4. Language

Hebrew and Arabic are the primary languages of instruction in compulsory education and either may be used by a member of the Knesset (Israel's parliament) to address the House. Israel television and radio broadcast in Hebrew, Arabic and, to a lesser extent, English.

2. General Political Structure

2. 1. Recent History

The State of Israel was founded on May 15, 1948. Israel represents the culmination of almost two thousand years of longing of the Jewish People for the reestablishment of an independent state. A guiding principle for all governments of Israel since its inception has been the "Ingathering of the Exiles," the historic return of the Jewish People to its ancestral land. This concept was enshrined in the Declaration of Independence and has continued to be a major component of Israel's national life to the present day.

Major events in Israel's history include its establishment and subsequent War of Independence (1948), the Six Day War of June 1967 and the Yom Kippur War of October 1973. In the words of Israel's Declaration of Independence, the State "extend(s its) hand to all neighboring states in an offer of peace and good neighbourliness".

In 1977 the late President of Egypt, Anwar Sadat, became the first Arab head of state to visit Israel. In 1979 a formal Treaty of Peace was signed between Israel and Egypt. The Madrid Peace Conference was convened in October, 1991. It was the first time that Israel, Syria, Lebanon, Jordan and the Palestinians met in an open and public setting for the specific purpose of negotiating peace. In September 1993 Israel and the PLO signed the Declaration of Principles in Washington DC, and in November 1994, Israel and Jordan concluded a peace treaty formally ending 46 years of conflict.

2. 2. Structure of Government

Israel is a parliamentary democracy, consisting of legislative, executive and judicial branches. Its institutions are the Presidency, the Knesset (parliament), the Government (cabinet), the Judiciary and the office of the State Comptroller.

The system is based on the principle of separation of powers, with checks and balances, in which the executive branch (the government) is subject to the confidence of the legislative branch (the Knesset) and the independence of the judiciary is guaranteed by law.

The President, *Nasi* in Hebrew, is the head of state and his office symbolizes the unity of the state, above and beyond party politics.

Presidential duties, which are primarily ceremonial and formal are defined by law. Amongst the President's formal functions are the opening of the first session of a new Knesset; accepting the credentials of foreign envoys; signing treaties and laws adopted by the Knesset; appointing judges, appointing the Governor of the Bank of Israel and heads of Israel's diplomatic missions abroad; pardoning prisoners and commuting sentences, on the advice of the Minister of Justice.

The President, who may serve two consecutive terms, is elected every five years by a simple majority of the Knesset from among candidates nominated on the basis of their personal stature and contribution to the state.

The Knesset is the House of Representatives of the State of Israel; its main function is to legislate. It took its name and fixed its membership at 120 from the *knesset hagedolah* (great assembly), the representative Jewish body convened in Jerusalem by Ezra and Nehemiah in the 5th century BCE.

Elections for the Knesset and for the Prime Minister are held simultaneously. They are secret, and the entire country constitutes a single electoral constituency.

The Prime Minister is elected directly by popular vote. Until the 1996 elections, the task of forming a government and heading it was assigned by the president to the Knesset member considered to have the best chance of forming a viable coalition government.

Knesset seats are assigned in proportion to each party's percentage of the total national vote. A party's surplus votes, which are insufficient for an additional seat, are redistributed among the various parties according to their proportional size resulting from the elections, or as agreed between parties prior to the election.

The Knesset operates in plenary sessions and through 12 standing committees: the House Committee; the Foreign Affairs and Security Committee; the Finance Committee; the Economics Committee; the Interior and Environment Committee; the Education and Culture Committee; the Labor and Welfare Committee; the Constitution, Law and Justice Committee, the Immigration and Absorption Committee; the State Control Committee; the Committee on the War Against Drug Addictions; and the Committee for Advancing the Status of Women.

In plenary sessions, general debates are conducted on government policy and activity, as well as on legislation submitted by the government or by individual Knesset members. Debates are conducted in Hebrew, but members may address the house in Arabic, as both are official state languages; simultaneous translation is available.

The Knesset is elected for a tenure of four years, but may dissolve itself or be dissolved by the Prime Minister before the end of its term. Until a new Knesset is formally constituted following elections, full authority remains with the outgoing government.

The Government (Cabinet of Ministers) is the executive authority of the state, charged with administering internal and foreign affairs, including security matters. Its policy-making powers are very wide and it is authorized to take action on any issue which is not delegated by law to another authority. The government usually serves for four years, but its tenure may be shortened by the resignation of the Prime Minister or by a vote of no-confidence.

The ministers are responsible to the Prime Minister for the fulfillment of their duties and accountable for their actions to the Knesset. Most ministers are assigned a portfolio and

/...

head a ministry; others serve without a portfolio but may be called upon to take responsibility for special projects. The Prime Minister may also serve as a minister with a portfolio.

The number of ministers including the prime minister, may not exceed eighteen, nor be less than eight. At least half of the ministers must be Knesset members, but all must be eligible candidates for Knesset membership. The prime minister, or another minister with prime ministerial approval, may appoint deputy ministers, up to a total of six; all must be Knesset members.

3. The Judiciary

The absolute independence of the judiciary is guaranteed by law. Judges are appointed by the president, upon recommendation of a special nominations committee comprised of supreme court judges, members of the bar, and public figures. Judges' appointments are for life, with mandatory retirement at age 70.

Magistrates' and District Courts exercise jurisdiction in civil and criminal cases, while juvenile, traffic, military, labor and municipal appeal courts each deal with matters coming under their jurisdiction. There is no trial by jury in Israel.

In matters of personal status such as marriage, divorce, maintenance, guardianship and the adoption of minors, jurisdiction is vested in the judicial institutions of the respective religious communities: The rabbinical court, the Moslem religious courts (*sharia* courts), the religious courts of the Druze and the juridical institutions of the nine recognized Christian communities in Israel.

The Supreme Court, located in Jerusalem, has nationwide jurisdiction. It is the highest court of appeal on rulings of lower tribunals. In its function as a high court of justice, the Supreme Court hears petitions against any government body or agent, and is the court of first and last instance.

Although legislation is wholly within the competence of the Knesset, the Supreme Court can and does call attention to the desirability of legislative changes; as the High Court of

Justice, it has the authority to determine whether a law properly conforms with the Basic Laws of the state.

4. Basic Laws

Israel has no formal constitution. However, most chapters of the prospective constitution have already been written, and enacted as Basic Laws. The following are the Basic Laws of the State of Israel:

The Knesset (1958)
State Lands (1960)
The President (1964)
The State Economy (1975)
The Israel Defense Forces (1976)
Jerusalem (1980)
The Judicature (1984)
The State Comptroller (1988)
Human Dignity and Liberty (1992)
Freedom of Occupation (1992)
The Government (1992)

The Basic Laws are adopted by the Knesset in the same manner as other legislation. Their constitutional import is derived from their nature and, in some of them, from the inclusion of "entrenched clauses" whereby a special majority is required to amend them.

5. The State Comptroller

The State Comptroller carries out external audits and reports on the legality, regularity, economy, efficiency, effectiveness and moral integrity of the public administration in order to assure public accountability. Israel recognized the importance of state audit in a democratic society and in 1949 enacted a law, which established the State Comptroller's Office. Since 1971, the State Comptroller also fulfills the function of Public Complaints

Commissioner (ombudsman) and serves as an address for any person to submit complaints against state and public bodies which are subject to the audit of the comptroller.

The State Comptroller is elected by the Knesset in a secret ballot for a five-year term of office. The Comptroller is responsible only to the Knesset, is not dependent upon the government, and enjoys unrestricted access to the accounts, files and staff of all bodies subject to audit. The Comptroller carries out his/her activities in contact with the Knesset Committee for State Audit Affairs.

The scope of state audit in Israel is among the most extensive in the world. It includes the activities of all government ministries, state institutions, branches of the defense establishment, local authorities, government corporations, state enterprises, and other bodies or institutions declared subject to audit.

In addition, the State Comptroller has been empowered by law to inspect the financial affairs of the political parties represented in the Knesset, including election campaign accounts and current accounts. When irregularities are found, monetary sanctions are imposed.

/...

ARTICLE 1

Definition of Discrimination Against Women

For the purposes of the Convention, the term "discrimination against women" means any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights, and fundamental freedoms in the political, economic, social, cultural, or any other field.

1.The Constitutional Level

Israel did not adopt a written constitution upon its establishment. Instead, it has chosen to enact "Basic Laws." In 1992, Israel enacted two new Basic Laws, which addressed human rights guarantees: 1) **Basic Law: Human Dignity and Liberty;**
2) **Basic law: Freedom of Occupation.** Many jurists in Israel, Chief Justice Barak central among them, refer to these two new basic laws as a "semi-constitution," and identify them as the beginning of the judicial review process in Israeli law, meaning that courts now have the power to strike down legislation that violates basic rights guaranteed by the two Basic Laws and which does not fulfill the requirements of the limitations clause in those laws.

The right to equality is not mentioned specifically as one of the basic rights in the Basic Laws. The source of this omission is the subject of debate among scholars. Some scholars attribute this omission to the problematic history of the right to full-equality in Israeli law due to religious considerations, as will be explained below. However, the more common opinion is the one advanced by Chief Justice Barak, namely that the scope of the basic right to human-dignity is very broad and encompasses various unenumerated human rights, such as the right to equality. This interpretation was approved in a number of Supreme Court cases.

2.Equal Rights Legislation

The constitutional level is but one level of normative regulation. In addition to this level, other legal sources for the creation of human rights exist, and these levels have special significance in Israel due to the lack of a written constitution. First and foremost is Israel's "birth certificate," the **Declaration of Independence**, which was one of the first of its kind to include sex as a group classification for the purpose of equal social and political rights. The document states: "The State of Israel will maintain equal social and political rights for all citizens, irrespective of religion, race or sex." Although lacking any constitutional force, this document has been interpreted by Israeli courts in such a way that often makes it very close to a constitutional document with constitutional powers.

The first significant legislative effort to implement the principle of gender equality was the enactment of the **Women's Equal Rights Law - 1951**. The law states in section 1 that one law applies to men and women regarding "any legal action," and that any law that discriminates against a woman as such shall be null and void. The law also equates the legal status of women to that of men. However, as an ordinary statute, this law does not carry any constitutional weight and any subsequent statute prevails over it. Furthermore, even though the law deals specifically with the rights of married women regarding property ownership, and with the rights of women as mothers regarding their children, it excludes the area of marriage and divorce from its jurisdiction. For political- religious reasons, this marriage and divorce exclusionary rule was an a priori condition to the enactment of the law.

Although it lacks constitutional force and can theoretically be revoked by subsequent legislation, the **Women's Equal Rights Law - 1951** was given great symbolic value in several Supreme Court cases in which it was labeled "an ideological law, revolutionary, a change of social structure." In many recent Supreme Court cases it was termed as "a majestic legislation."

The **Women's Equal Rights Law - 1951** guaranteed equal rights mainly in the public sphere. It referred primarily to the government and to its delegates, and not to private actors in the private sphere. This omission, however, was at least partly repaired by two complementary initiatives, from the legislature and from the judiciary. The legislative effort centered on the area of

/...

employment, in both the public and the private sector. Judicial developments supplemented that and enhanced the notion of substantive equality.

3. Judicial Development of the Right to Equality

The judicial contribution in this area is part of an extremely broad effort undertaken by the Israeli Supreme Court, which began during the formative years of Israel's legal system. Lacking a written constitution, the Supreme Court assumed the responsibility for developing an "unwritten Bill of Rights," in which the right to equality and women's rights held an honorary position. The principle of gender equality was declared in the case law to be a fundamental tenet of the Israeli legal system. Like other "unwritten fundamental rights," Knesset legislation which contradicted it could prevail, but it was considered to be of supreme value to secondary legislation, such as administrative regulations and policies. If such practices contradicted the principle of gender equality they could be invalidated by the High Court of Justice, as indeed some of them were. Thus, for example, women were accorded the right to serve on religious municipal councils, and to become members of the election-committee of the municipal rabbi.

Lacking a statutory codification of the general right to equality, except for the **Women's Equal Rights Law - 1951**, the legal definition of equality and its inverse - discrimination, is found mainly in Israeli case law, and in scattered legislative expressions of the right to equality. Although most of the early cases suggest the implementation of a formal Aristotelian theory of equality, some clearly adopt the concept of substantive equality. Thus, the current legal definition of discrimination evidently fits that of the Convention.

4. The Elimination of Discrimination in the Private Sphere

It is unclear whether discrimination by private institutions and individuals is included in the legal definition of discrimination. Answers need to be deduced from the overall legal framework, including legislation and case law that involve women's rights.

First, the application of the principle of gender equality to private institutions and individuals is part of a larger legal framework known as "the privatization of constitutional norms." The central question here is whether constitutional rights and norms apply equally to relationships between individuals and to the relationships between the government and individuals. In the past few years there has been a growing judicial tendency to apply principles and norms that were developed and recognized in the public sphere to the private sphere. This is particularly true when the "private" sphere contains such "hybrid" entities whose nature could be characterized as both public and private.

Following the **Equal Employment Opportunities Law - 1988,** which prohibits all forms of discrimination in the workplace, the question of whether the principle of equality applies to the private sphere was resolved with respect to labor market relations. Thus, for example, a *Moshav* (cooperative settlement), was ordered to abide by the constitutional principle of equality and not to discriminate against women in denying them the possibility of being recognized as "heads" of families. These occasional precedents should be viewed together with other cases that prohibited discrimination by private organizations on other grounds, such as nationality, ethnicity, or sexual orientation. When taken together, one can conclude that there is a consistent trend toward broader application of the right to equality and non-discrimination in the private sphere, while its protection depends on the specific balance between this right and the weight of the rights that may be understood to oppose it.

As to whether domestic violence and battered women are also included under the legal definition of discrimination, legislation that deals with aspects of violence against women suggests that this phenomenon is conceptualized as part of larger legislative concerns about discrimination on the basis of gender. This conclusion is supported, for instance, by themes expressed in the 1996 report issued by the Parliamentary Inquiry Commission on the question of Murder of Women by their Spouses (see Article 5). The report specifically states that the murder of women, and all forms of violence against women, can be understood as expressions of more general discrimination against women in Israeli society.

As to the question of gender discrimination in the domestic sphere, this sphere has been subject to intense regulations that affect women's status. These regulations, such as the **Spouses (Property Relations) Law - 1973**; **the Prevention of Violence in the Family Law - 1991**; and to some degree the **Women's Equal Rights Law - 1951**, are all attempts of the civil legal system which suggest that the domestic sphere is not subject to laws which address gender equality.

4. 1.

The UN Convention's Internal Applications and Standing

Israel follows the dualistic approach to international law, whereby international law does not automatically become the law of the country, unless it is customary law. Where conventional law is concerned, it becomes part of the law of the country only insofar as it is incorporated into the local system. Otherwise, although it is binding upon the State on the international level, it cannot be enforced through the local judicial system. However, that is not to suggest that conventional law has no effect on the internal level. It serves as an interpretive tool, and in this capacity it serves as a guideline for monitoring State activities. Thus, there is a presumption that unless otherwise specifically indicated by the legislator, local law must conform to conventional law in force for Israel. Consequently, while CEDAW has no formal status under internal Israeli law, its directives function as an interpretive guide. Indeed, the fact that the UN Convention was ratified in 1991 and the human-rights Basic Laws were enacted in 1992 should be understood to be significantly related, for the Convention clearly had influence on the legislation of the Basic Laws. However, it is only in recent years that the Convention has begun to be invoked in Israeli law-review articles and in Israeli academic circles. It is hoped that these developments will soon reach the judiciary and the legislature.

As mentioned above, there are already several expressions of judicial conjecture regarding gender-equality and discrimination which are in complete conformity with the definitions set in the Convention. The stage is thus set for a more consistent, admissible use of the Convention itself in the legislature and judiciary.

No statutory or other kind of mechanism has yet been set to monitor the implementation of the

Convention. However, the proposed **Authority for the Advancement of Women Bill - 1996** specifically calls for the establishment of such a mechanism, as a central part of the Authority's other roles and powers. If this bill is passed, then a major advancement in securing women's rights and eliminating any gender discrimination will have been achieved.

ARTICLE 2

Obligations to Eliminate Discrimination

State parties condemn discrimination against women in all its forms, agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women and, to this end, undertake:

a) To embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not incorporated therein, and to ensure, through law and other appropriate means the practical realization of this principle;

b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

d)To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

e) To take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise;

f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices which constitute discrimination against women;

g) To repeal all national penal provisions which constitute discrimination against women.

1. Legal Provisions

As explained under Article 1, Israel has no comprehensive constitution. The objectives of the Convention are realized through the provisions of specific pieces of legislation. These will be described in detail under the relevant articles. Since 1991, when Israel ratified the Convention, several especially noteworthy pieces of legislation have been enacted (all of them to be discussed in more detail in appropriate chapters below): the **Equal Pay (Male and Female Employees) Law - 1996,** the implementation of which remains somewhat precarious despite its clearly extensive potential; **The Single Parent Family Law - 1991;** the 1993 amendment to the

Government Companies Law - 1975; the 1995 amendment to the **State Service (Appointments) Law - 1959** (both amendments direct the use of affirmative action); the **Prevention of Violence in the Family Law - 1991**; and more.

2. Legal Recourse Available for the Pursuit of Women's Rights

One of the main obstacles standing in the way of the full implementation of women's rights and the advancement of women's status in Israel is the lack of a central organization to process complaints of women whose rights have been violated or who have suffered gender discrimination. The establishment of such an organization is a central goal of the proposed **Authority for the Advancement of Women Bill - 1996**, which would establish a national machinery for the protection and promotion of women's rights and status.

Until this bill is passed and such an Authority and ombuds-person are established, the formal-governmental mechanisms presently available for women include: the general Public Complaint's Commissioner; the Ministry of Labour's Division for Employment and the Status of Women; the Labour Courts system; and, when the Civil Service is involved, the Superintendent over Discipline in the Civil Service or the General Supervisor on the Advancement of Women in the Civil Service. Another governmental *de-facto* mechanism is the office of the Prime-Minister's Advisor on the Status of Women.

In addition to the formal-governmental mechanisms, there are several legal-aid lines and services operated by women's NGOs, such as the *Na'amat* Legal Council and the Israel Women's Network (IWN) Legal Commission, which give initial legal or other advice to women and which occasionally provide *pro bono* representation, mainly in precedent-setting cases. These mechanisms will be described under Article 3.

Only four (!) complaints to the Public Complaints Commissioner, out of a total of 6000-8000 per year since 1971, concerned gender discrimination or other violations of women's rights. Three of these complaints involved sexual harassment. The fourth involved a woman pilot who was refused employment by *El-Al*, the national Israeli air-carrier, which claimed to have excluded her as the result of a general policy of hiring only IDF air-force veterans. In addition, since 1990,

/...

40 complaints were made to the Public Complaint Commissioner concerning insufficient police investigation of intra-family violence or untimely closure of such investigations. Complaints concerning untimely closure of police investigations are not investigated by the Commissioner, since these are handled under judicial appeal of police decisions.

3. Governmental Machineries, Mechanisms and Measures Established to Promote the Status of Women

3. 1. Investigative and Study Initiatives by the Government

The 1975 International Year for Women served as a trigger for the designation of an ad hoc Commission on the Status of Women, appointed by the late Prime Minister Yitzhak Rabin, and headed by Ora Namir, then a member of the Knesset (Labor Party), who later became Minister of Labor and Social Affairs.

3. 1. 1. General Examination of the Overall Status of Women in Israel

The Commission's main function was to investigate the issue of the status of women in Israel; it acted mainly as a fact-finding body but was alsoasked to present the government with proposals as to the social, cultural, educational, economic and legal measures that need to be taken in order to promote equality between men and women in all areas of life in Israel.

The Commission presented its report and recommendations in February 1978. The report made it clear that Israeli society had not been providing answers to the unique problems and obstacles that women faced in their struggle for full equality and participation. The Commission supplied the government with a list of 241 comprehensive recommendations and detailed proposals on how to improve the existing situation. These recommendations had the potential to serve as a blueprint for women's equality, yet few of them were adopted and implemented. An investigation conducted by Israel Women's Network (IWN) in 1988 revealed that out of the 241 recommendations only 32 had been fully implemented, 39 had been partially implemented, and the rest (170) had not been implemented at all.

3. 1. 2. Examination of Women's Status in Civil-Service

The Israeli government is the largest employer in Israel, and almost 60% (59.4%) of civil-servants are women. In 1989, the Koberski Commission finished its investigation of the civil service in Israel, which included a special report on the status of women in the civil service. The Commission's conclusions made it clear that discrimination against women is the major cause of women's low status in the service.

In order to implement recommendations for the improvement of the status of women, a sub-committee was established by the Ministry of Economics and Planning called the Ben-Israel subcommittee. This committee presented its proposals in December 1993. The proposals included specific directives for ensuring women's participation in tender committees; improving the function of the supervisors on the status of women in the different ministries; and securing firmer treatment of sexual harassment. Most of these proposals were adopted and incorporated into the **Civil Service Code**, and are in the process of being implemented.

These proposals include: 1) the decision to make the former requirement that both sexes be represented in tender committees mandatory (an exception to be made in unique cases upon the prior approval of the Commissioner), and negating the force of the decision of any committee that fails to uphold this requirement; 2) publication of a worker's rights manual for women employees in the civil service, prepared by the general-supervisor; 3) the preparation and dissemination of information and data regarding the status of women in the service among women organizations and Knesset committees; 4) the joint establishment of a Progressive Employer Award granted by the *Na'amat* women's organization, the Coalition of Industrialists, and the Union of Local Authorities, to be awarded to the public employer who demonstrates the greatest commitment to the advancement of women.

In addition, members of tender committees were specifically instructed not to present candidates with questions which discriminate on the basis of sex.

Other changes were made in the Civil Service Code, reflecting the progress made in recent years concerning the advancement of women. For example, the provisions that relate to family members that may accompany an employee who is being sent oversees on a mission were changed from the gender-specific term of "wife," to the gender-neutral term of "spouse," thus providing men and women employees with equal opportunities to be sent on foreign service missions. With respect to the accommodation of motherhood, the former prohibition on employing a woman who is the mother of small children in overtime work was changed so as to let her choose whether or not to work overtime.

To conclude, it should be added that there is ongoing independent academic research in the areas of women studies, women's rights, and the status of women in Israel.

3. 2. Specific Mechanisms Implemented for the Improvement of the Status of Women

3. 2. 1. The Prime-Minister's Advisor on the Status of Women

The office of the Prime Minister's Advisor on the Status of Women, established in 1980 following the Namir Commission's recommendations, was charged with the task of advising the Prime Minister on all issues pertaining to women, and with coordinating the government's actions with relation to the status of women. The office, however, was not provided with special resources and its budget was to be drawn from the general budget of the Prime Minister's bureau. In addition, in 1992 the late Prime-Minister Rabin abolished the office of Prime Minister's Advisors altogether, including the office of the Advisor on the Status of Women. In its place, he formed a steering committee to reframe the structure of both the office of the Advisor and the function of the National Authority (described below). A new Advisor on the Status of Women was appointed in November 1993.

Following the 1996 elections, the government appointed a new Advisor on the Status of Women, and charged her with the task of putting together a campaign against family-violence, described under Article 5 below. The Advisor has also been charged with the task of composing the Israeli Report to the March 1997 UN Convention on the Status of Women, which describes the measures taken following the Beijing Conference. It is hoped that the position of the Office of the Advisor, together with the National Authority, will be promoted by the anticipated passage of the **National Authority Bill**, and that its operation will be facilitated by a separate budget and facilities.

3.2.2 Special Machineries: National Council and Authority on the Status of Women

3. 2. 2. The statutory Authority's functions, as set in the proposed bill, will include: 1) the formulation of policy regarding gender equality and the elimination of discrimination against women; 2) the coordination and promotion of cooperation between state government, municipalities and others in the area of women's status; 3) advising the ministries on the implementation of equality laws (particularly on the implementation of the CEDAW Convention); 4) the establishment of special programs and services for women which promote gender equality; 5) the establishment of a research and public information center; and 6) the promotion of legislative measures for the advancement of women and the elimination of discrimination. The Prime-Minister's Advisor on the Status of Women will be in charge of both the Authority and a proposed Council, to be comprised of 34 members from various government offices and organizations, including representatives from women's organizations and academia. The Council's main role will be to outline policy for the Authority. In addition to the Authority, the bill also establishes the office of Commissioner for Women's Affairs, whose role it will be to handle direct complaints from the public concerning violations of women's rights or discrimination on the basis of gender. The Commissioner is to have investigatory powers equal to those of the general Public Complaints Commissioner, including the power to demand any documents and records necessary for the investigation. One deficiency in the current version of the bill is the lack of a provision calling for an independent budget for the Office of the Advisor. The present version simply states that the budget is to be allocated from the general budget of the Prime-Minister's Office.

3. 2. 3. The Knesset Committee for the Advancement of the Status of Women

An unusual coalition of women Knesset members from across the political map established the Committee for the Advancement of the Status of Women in 1992. The Committee has been instrumental in promoting important legislative measures and in raising awareness of women's concerns. The Committee has made significant contributions to the efforts to improve women's status and to focus pulic attention on "women's issues."

In January 1996, the Committee was granted the status of a permanent (standing) Knesset Committee, with the following tasks: 1) the advancement of women's equality in public representation, education, and personal status; 2) the prevention of discrimination on the basis of sex or sexual orientation in all areas; 3) the reduction of wage gaps in the economy and in the labor market; and 4) the elimination of violence against women. The Committee consists of 15 members (of whom 8 are currently men), and the chair rotates between two members, from the coalition and the opposition parties, respectively. Currently, the Committee operates three sub-committees on: 1) the advancement of women in the workplace and in the economy; 2) the advancement of Arab women; and 3) personal status. All other matters are dealt with by the Committee as a whole.

Among the recent legislation facilitated by the Committee's work are the **Equal Pay (Male and Female Employees) Law - 1996**; the **State Service (Appointments) Law (Appropriate Representation) (Amendment no. 7) - 1995** which introduces affirmative action into the civil service; the **Prevention of Violence in the Family Law (amendment no. 2) - 1996**; **Family Court Law - 1995**. All in all, over 40 legislative measures relating to the advancement of women's status have been passed since the establishment of the Committee. In addition, the Committee has also utilized other parliamentary means, such as the establishment and operation of the parliamentary investigative committee on women's murder by their spouses, discussed under Article 5 below.

The Committee's contribution to the advancement of women extends beyond the formal level of parliamentary performance to the more informal level of women's alliance building and coordination of activities for furthering the common goal of mobilization and social change. The Committee maintains close contacts with women's NGOs, and representatives from various NGOs regularly attend their meetings. Thus, for example, the Committee took upon itself to serve as the forum where all women's NGOs submitted their reports on measures taken following the Beijing Conference. It also receives input from women in senior positions in business and academia. It thus serves as a forum where women's voices are officially heard, and as a forum for political mobilization around women's issues.

3. 3. Governmental Performance in Civil-Service

In April 1985, the government adopted an additional recommendation of the Namir commission and decided that in each of the government ministries a supervisor on the status of women workers would be appointed. The roles that these supervisors were assigned include: 1) acting for the implementation of equal opportunities for women employees in all areas of the service; 2) monitoring the obligation to include women in all professional committees and in tender committees; 3) developing special tracks for the promotion of women; 4) acting for an increase in the percentage of women in top positions in the civil service; 5) handling women employees' complaints of gender discrimination, including sexual harassment complaints; and 6) preparing annual reports about progress made in this area. As with the Office of the Prime Minister's Advisor on the Status of Women, the decision did not allocate a special budget nor did it provide for additional supervisors for its implementation. Nevertheless, most ministries have appointed such supervisors. Several programs were established to facilitate their operation including a three-day seminar in which supervisors were supplied with theoretical tools to accomplish their task.

The April 1985 government decision to appoint the supervisors was part of a general resolution to promote the status of women in the civil service. Another important part of the resolution was the provision mentioned above, whereby women participate as members in every tender committee or professional committee. Other parts of the resolution, in addition to expressing commitment toward the advancement of women in civil service, ordered the establishment of a committee that would monitor the implementation of the whole resolution.

The departing Civil Service Commissioner designated a special post for the appointment of a general-supervisor on the advancement of women in the civil service, who is to be in charge of all matters concerning women and their advancement in the service and who reports directly to the Commissioner. The incoming Civil Service Commissioner proposed a reform in the civil service, which specifically included a plan to ensure the promotion of women in the service to senior positions. The effects of this reform can be seen in the 1996 establishment of a new unit in the Civil Service Commission, which is responsible for hiring and promoting women in the civil service. At the head of this Commission stands the general-supervisor mentioned above, assisted by a steering committee. In addition to handling issues related to the status of women in

/...

the civil-service, this supervisor is in charge of implementing the 1995 amendment to the **State Service (Appointments) Law (Appropriate Representation) (Amendment no. 7) - 1995**.

An affirmative action policy was introduced into the civil-service through the **State Service (Appointments) Law (Adequate Representation) (Amendment no. 7) - 1995**. This amendment obligates the Civil Service Commissioner to use all necessary means to achieve the appropriate representation of both sexes in the civil service. The initial guidelines for the implementation of this amendment require the issuance of a report from the Commission to the various ministries, and vice-versa, regarding 1) the numbers and ranks of women in the service; 2) upcoming vacancies; 3) the rate of women in top positions in each ministry relative to their overall rate in the ministry; 4) the number of women selected in internal and external tenders; 5) the number of women holding personal contracts; and 6) the participation of male and female employees in seminars, educational tours abroad and so on, to assure adequate participation of women in these areas.

Other actions adopted by the Civil Service Commission following the 1995 amendment include the reading of the amendment to committee members at the beginning of every tender-committee section, with an emphasis on the explicit provision that preference be given to the candidate of the lesser represented sex, when the candidates' qualifications for the office are similar.

3. 4. Mechanisms for the Advancement of Women in Specific Government Ministries

Foremost among the specific mechanisms regarding the improvement of the status of women in the various government ministries is the Division for Employment and Status of Women in the Labour Ministry. Until February 1996, this Division was in charge of the implementation and enforcement of the **Equal Employment Opportunities Law - 1988**. The Division is responsible for various other aspects related to women's work; including: 1) the development of childcare programs; 2) the subsidization and supervision of childcare programs which are operated by women's organizations; 3) the provision of vocational training for unskilled women and for women who want to enter non-traditional fields of work; and 4) the dissemination of information and materials regarding women's rights, with specific focus on women's employment, and more.

/...

3. 5. Measures Taken on the Municipal Level

As explained under Article 7 below, women's representation on the municipal level in Israel is only slightly more substantial than their representation on the national level. One measure that has been taken in order to compensate for the lack of formal representation on the municipal level is the nomination of an Advisor on the Advancement of Women in Local Authorities, appointed in 1994 by the Chair of the Union of Local Authorities in Israel. This appointment, supported by the Prime-Minister's Advisor on the Status of Women, reflects a change of attitude among municipal authorities by recognizing the need to take women's concerns more seriously. The Advisor is a member of the central administration of the Union of Local Authorities in Israel, and her policy was drafted by a Committee on the Status of Women. This Committee is composed of several members, mainly women members of local councils and is presently headed by the only woman who was elected as a head of a local council. On the basis of a decision made by the Administrator of the Union of Local Authorities, this Committee participates in all assemblies of heads of municipalities. The Advisor is in charge of establishing Women's Councils in each local council in Israel. So far, seventy such Women's Councils have been established in Israel, of which eight are in Arab localities. In addition, the Advisor is involved in promoting legislation dealing with women's daily concerns on the municipal level and cooperates closely with the Ministry of Labour and Welfare on issues such as shelters for battered women.

The aim of the establishment of local Women's Councils is to designate a special forum within which women's particular concerns and needs can be addressed. Among the taks of these councils are: 1) coordination between all women's organizations in the specific locality for the purpose of fulfilling women's local needs; 2) promotion of special educational programs on gender equality, prevention of family violence, and technological education for girls; 3) advancement of the institution of the long school-day and better day-care facilities; 4) provision of services for women with special needs such as single mothers, older women, immigrant women and Arab women; 5) advancement of municipal legislation for opening government and municipal bureaus in the afternoons and in the evenings; and more. The Women's Councils' work-plan is based upon the model provided by the first Women's Council established in Haifa in 1978, by the current Advisor on the Advancement of Women in Local Authorities. Each of the Councils is headed by a woman who also acts as the Advisor on the Status of Women to the Head of the Municipal Council.

The main problem that these measures for the advancemnet of women are faced with is financial. Once again, no special budget was allocated for the full implementation of these plans. Currently there is an initiative before the Knesset to pass special legislation that would mandate the institution of Women's Councils in every municipality. However, the bill does not contain a provision for the allocation of a budget to finance the Councils and the work of the Advisors. So far, the work of the Women's Councils and their Chairs has been generally uncompensated and is voluntary.

ARTICLE 3

The Development and Advancement of Women

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

1. Non-Governmental Women's Organizations in Israel

1. 1. Introduction

Women's NGOs have always played a major role in advancing the status of women in Israel by changing the public perceptions of women, promoting women's role in the public and private spheres, operating day-care centers, operating emergency-lines for female victims of violence, operating shelters for battered women, and more. In addition, these NGOs have managed to put many of these issues on the public and government agendas.

The exact number of women's NGOs operating in Israel is estimated at 100. They vary tremendously in size, ideology, socio-economic characteristics of their members, activities, goals, and so on. Some concentrate on providing services to single-parent families, others to lesbian women, Arab women, and so on. The following paragraphs do not represent a comprehensive overview of all of these organizations; instead only a selection of the more major organizations are presented.

1. 2. Jewish Women's Organizations

The Israel Women's Network (IWN), founded in 1984, is known as one of the largest and most visible of women's organizations in Israel. The IWN works for the advancement of the status of women in Israel through education, legislation and legal activities. Committees of specialists have been set up on the topics of health, law, municipal and parliamentary work, violence in the family, and media/public relations. The Network works to end all discrimination against women and for equal representation of women in all political and public positions. The founders of the Network believed that women's status could best be advanced through legal action and political pressure, not through providing welfare. Training courses are offered through the Network to women aspiring to political careers. Some of the Network's concrete activities include: 1) the maintenance of a resource and information center; 2) the publication of a newsletter; and 3) the operation of a legal aid hotline.

Na'amat - the Movement of Working Women and Volunteers, was founded in 1921 by idealistic women committed to equal rights for women and their empowerment; it is presently the largest women's movement in Israel. *Na'amat* is affiliated with the *Histadrut*, the largest workers' union in Israel and currently operates more than 100 local branches in workers' councils, 60 community centers, 250 neighborhood club rooms, and 40 legal offices. It also operates 350 day-care centers, and 14 vocational training schools. Its activities encompass almost all aspects of women's life in Israel, ranging from various family issues and needs (such as family-violence, single-parent families, and adoption), through employment and professional training, to legal activities, legislative initiatives and public representation. Following the Beijing Conference, *Na'amat* formulated a symbolic "Contract with the Women of Israel," signed by both the government of Israel and the women of Israel through *Na'amat* as their representative. In this symbolic contract, which was based on the Beijing Platform for Action, the government was to allocate a specific budget for the implementation of the Platform.

WIZO (Women's International Zionist Organization), was established in 1920 and is the second largest women's association in Israel. WIZO is primarily a non-political charity organization run by volunteers. In its early years, WIZO established mother and child clinics, day care centers, training courses for homemaking, agricultural schools and youth centers. Gradually, the organization has become more focused on social change and empowerment of women. WIZO has played a major role in bringing the problem of battered women to public attention, and has established shelters and hotlines for battered women and rape victims. In addition, WIZO operates 160 day-care centers, helps in the absorption and care for new immigrants, senior citizens and single-parent families, and offers legal advice to women, mainly on family issues. Most of WIZO's resources are derived from contributions solicited abroad.

Emunah is the largest Orthodox women's Zionist organization in Israel and is the woman's division of the National Religious Party. *Emunah*'s activities focus on community, educational and welfare work, through a network of 110 day-care centers, 4 children's homes, 6 high schools, and a women's college. It is involved in the absorption of new immigrants and works to strengthen the family unit through family counseling services, legal advice to women on family issues, and through parenting groups.

The Feminist Movement was established in the early 1970s, and is one of the more radical women's movements in Israel; it focuses on body politics, abortion, and battered women and members of the Feminist Movement established the first shelters for battered women in Haifa and Herzliya. Since its establishment, the Feminist Movement has worked in the following areas: equal opportunity for women in education and work; the rights of divorced women; fair representation of women in politics; the fight against pornography and negative female images in the media. . During the 1980s, the Feminist Movement expanded its agenda to include issues of war and peace The Feminist Movement offers courses on a variety of subjects, puts out a newsletter and operates a library on feminism.

Isha le'Isha (Woman to Woman) - the Haifa Feminist Center, strives to fight against physical, sexual and psychological violence towards women, to improve existing services for the special needs of women, and to create conditions for cooperation between women from different social groups and backgrounds. To this end, it operates a project for adult women immigrants from Russia; an employment and absorption project for Ethiopian women immigrants; a project for Palestinian women; a project for women of oriental origins, and employment projects for women returning to work. In addition, they offer a range of courses including mechanics, car maintenance, self defense and basketball.

1. 3. Organizations for the Advancement of Arab Women

Few women's organizations have been set up by Arab women for Arab women in Israel. Recently, non-governmental Arab movements have begun to encourage women's participation in order to obtain foreign aid and support from international organizations that provide funds for weaker sectors in developing societies, such as women.

1. 3. 1. Arab Organizations for the Promotion of Women

Taandi, the Movement of Democratic Women, was founded in 1951 as the women's "division" of the Communist Party known today as *Hadash* (the Democratic Front for Equality and Peace), was the first organization to offer Arab women the opportunity for political involvement. By the

/...

1970s, the Women's Democratic Movement enjoyed the active support of many Arab village women. Among *Taandi*'s achievements are the establishment and maintenance of 33 kindergartens in Arab villages and the celebration of March 8 as an International Women's Day in Arab sectors. The organization also provided vocational training for Arab village women, particularly in sewing. However, while the leaders of *Hadash* as well as the leaders of other Arab parties who established women's divisions in the 1970s (such as the Progressive Arab Party and the Democratic Arab Party) were known to be proud of the achievements of their women's division, they did not actually integrate them into the inner workings of the parties.

The Arraba Almostakbal Association is a community organization established to encourage women from the Arab village of Arraba to participate in public social life. The association offers courses in traditional occupations like sewing, as well as vocational courses. The association models itself after *"Gafra,"* the Movement of Palestinian and Arab Women in Israel, founded in the town of Taibe in 1990 in order to promote Palestinian women socially, economically, and politically. These organizations are currently waging a campaign against the widespread practice of arranged marriages in Arab villages.

Al Fanar (the lighthouse), also known as "The Movement of Palestinian Feminists," was established in 1990, as an informal study group on the status and treatment of women in Arab society. Since its establishment, the organization has primarily dedicated itself to fighting "honor" killings (the number of "honor" related murders per year is estimated between 20-40.) The organization considers acts of violence against women to be byproducts of the patriarchal structure of Palestinian society, and opposes it in the most radical fashion of all Palestinian Women's groups. *Al- Fanar* protests arranged marriages of women to their relatives, sexual and other physical assaults on women by their husbands and male relatives, denial of education and job opportunities to women who are taken out of school as teenagers to carry out domestic chores, and the spread of defamatory rumors and gossip about women as a means of controlling their behavior.

The organization has attracted widespread criticism for its radicalism from Arab political parties, and from the growing Islamic fundamentalist movement. On several occasions *Al-Fanar's* members have reportedly been threatened. However, a growing number of women have responded to *Al-Fanar's* advertisements for help, including assistance from a Jewish-run shelter

/...

for battered women. Currently, *Al-Fanar* runs on a modest budget and is supported almost entirely by its members, though it has registered as a non-profit organization and is seeking contributions. It publishes a quarterly newsletter which is distributed door-to-door, and has published articles in Israeli Arab newspapers. While no accurate information is available as to the characteristics of its members, most of its members are believed to be single university graduates who reside in Haifa.

1. 3. 2. Other Organizations Which Promote Arab Women

Na'amat, the largest women's organization in Israel, is composed of both Jewish and Arab women and has opened branches in many Arab villages. As of 1987, *Na'amat* established 70 centers for vocational training and social activities in Arab villages and cities. However, Arab women have complained that the services provided for them are not proportional to their representation amongst the members of *Na'amat* and more funds should be allocated to servicesin the Arab sector. For example, only 5.17% of the daycare centers established by *Na'amat* have been established in Arab villages.

The Israeli League for the Promotion of Human Rights provides legal support for Arab women, particularly regarding labor disputes. The legal support is advertised through informative pamphlets put out by the organization in Arabic.

1. 4. Associations of Women's Organizations

The Council of Women's Organizations in Israel: An umbrella organization that connects *Emunah, Na'amat,* WIZO, *ANALI* - Liberal Women's Organizations, *Bnai Brith Women, Hadassa - Israe*l, Israel Association of University Women, Soroptomist International of Israel, and Women's Israel ORT, this Council represents Israel in the International Convention of Women and the International Convention of Jewish Women, both of which have advisory status to the UN. The Council's activities include: representing Israeli NGOs in international organizations, transferring information on the activities of these organizations to those outside Israel, and bringing information to Israel on activities regarding women which are being initiated in international organizations and in institutions of the UN.

ICAR - International Coalition for *Agunah* Rights. Established in 1993 in response to the plight of Jewish women who are refused a divorce, ICAR's purpose is to raise public awareness of this issue and to prompt the Jewish religious establishment in Israel and abroad to create solutions to the problem.

The Coalition of Help Centers for Victims of Sexual Attacks , collects and publishes statistical data and evaluations of the seven battered women's shelters in Israel in an annual report on the centers' activities. It also offers activities to raise public awareness about battered women and offers volunteer training courses for those who wish to work in battered women's shelters.

ARTICLE 4

Acceleration of Equality Between Men and Women

Adoption by State Parties of temporary measures aimed at accelerating de facto equality between men and women shall not be discrimination as defined in the present Convention, but shall in no way entail, as a consequence, the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

Adoption by State Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.

1. Affirmative Action

1. 1. Affirmative Action in Government Corporations

The primary expression of affirmative action in Israeli law is section 18A of the **Government Corporations Law - 1975**, which was added in a 1993 amendment to the statute.

Currently, the most expansive formulation of affirmative action under Israeli law is the 1994 Supreme Court case of *Israel Women's Network v. The Government of Israel* (hereinafter the IWN case), which accepted the IWN's petition to void appointments of three men to the board of directors in two governmental corporations in which there were no women members. Justice Matsa's opinion, writing for the majority, is of particular significance, as it contains rigorous statements and far-reaching suggestions about the practice of affirmative action. Justice Matsa takes care to clarify from the beginning that section 18A is not simply a statutory embodiment of the well-entrenched right to equality, but the constitution of a novel norm which positively imposes proper representation of both genders in boards of directors and administrative councils of governmental and statutory corporations. Justice Matsa emphasizes the remedial purpose of the amendment, which aims at correcting the social distortion of women's minimal representation by means of positively imposing the norm of affirmative action. He then goes on to describe the special legislative measures which were essential for the entrenchment of gender equality, as opposed to the general acceptance of the principle of equality at large. In a clear statement, Justice Matsa concludes that the low representation of women in governmental corporations' boards of directors is but one manifestation of the discrimination women face in Israeli society; he notes that this discrimination is not specifically intended nor ideologically mandated, but caused by internalized social norms and practices.

In an elaborate *dictum*, Justice Matsa rejects the notion that the approval of affirmative action was meant only as a temporary-extraordinary measure intended to specifically correct past discrimination, and not to maintain present and future social balance, and calls for its acceptance as an integral part and a main guarantee of the principle of equality, similar to the Canadian approach. Justice Matsa proposes to interpret section 18A in the context of the comprehensive social need to advance women's share in the labour market in general, and in managerial positions in particular. This statement, together with the adoption of the broad interpretation of **Basic Law: Human Dignity and Freedom** which incorporates the right to equality in the private sphere, initiates a movement towards legislative reform that would introduce an affirmative action policy into every part of the labor market, whether public or private.

1. 2. Affirmative Action in the Civil Service

In July 1995, the Knesset passed an amendment to the **Civil Service Law (Appointments)**, proposed as a private bill by Member of Knesset (MK) Dedi Tzucker. The amendment incorporates the practice of affirmative action into the civil service. The Civil Service Council supported the passage of the amendment, and participated in the deliberations surrounding the proposal. The amendment mandates appropriate representation of both sexes in the civil service, and reqquires the Civil Service Commissioner to act toward the achievement of this goal. Affirmative action is defined in the amendment as "preference given to the candidates who belongs to the gender that is not appropriately represented, where the two candidates' capabilities are comparable," (see Article 2).

1. 3. Public Perceptions Regarding Affirmative Action

A survey conducted in April 1996 to examine the public's perceptions of women's participation in politics revealed some very interesting results (hereinafter - **Women in Israeli Politics Survey**). The survey revealed general support for the use of affirmative action, especially among women. Affirmative action was seen as particularly important in national and local politics, but also in the labour market.

Most women think there is a need for affirmative action through the use of a quota system: 64% claim parties should ensure places on their election lists for women, 60% claim this should be done in other public institutes as well, and 51% think women should be given preference in the labour market. The differences in men's and women's perceptions are consistent, and most men (64%) clearly object to affirmative action for women in the workplace.

1. 4. Affirmative Action in Other Areas

There are already signs of positive adoption of the principle of affirmatve action in other areas beside employment in the labour market. In the area of sports, for example, new programs have been designed which allocate larger budgets to women's teams and to schools that operate such teams.

2. Special Measures Aimed at Protecting Maternity

The **Equal Employment Opportunity Law - 1988** contains provisions which are remarkably similar to the second section of Article 4 of the Convention. The law prohibits discrimination in the workplace, whether based on gender, sexual orientation, marital status, parenthood, race, age, religion, nationality, country of birth, political or other orientation. Neither governmental nor private employers may take the above classifications into account in determining hiring, promotion, termination of employment, training, or work and retirement conditions of employees, except in special cases where the unique nature of the position makes these classifications relevant. Protections offered to women employees which take into account their special needs as women or mothers are not to be considered discriminatory, although the law specifies that any such rights offered to working mothers must equally be given to men who either have sole custody of their children, or whose wives work and have chosen not to make use of these provisions.

The specific contents of these measures are described in detail under Article 11 below. It should be added that overall, there is a steady movement away from protective-paternalistic legislation that limits women's participation in the workforce, to legislation which recognizes the need to support the family-unit as a whole and which facilitates greater involvement of fathers in child-rearing, while maintaining the exclusive special rights of women in those specific areas where women's maternal needs are directly connected to birth itself.

In addition to the legislative provisions accomodating motherhood and parenthood, there are specific provisions in collective agreements that grant working mothers special benefits such a shorter work-day, or the option of flexible working-hours, as in the Civil-Service, to fit their maternal obligations. These accommodations in collective agreements are generally granted to mothers alone.

/...

ARTICLE 5 Sex Roles and Stereotyping

States Parties shall take all appropriate measures:

a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

1. Introduction

The discussion under this Article will be divided into several parts. The first part will describe women and the media in Israel, including stereotypes of women and pornography, as well as the role of women in the pornography industry. Next, select cultural and social phenomena which hamper women's advancement in society will be discussed, including: 1) the impact of religion on the status of women; 2) the specific problems facing immigrant women; 3) social factors that specifically affect Arab women in Israel; and 4) gender based violence.

2. Women Employed in the Media

A discussion of women's involvement in the Israeli media industry must be separated from a discussion of the portrayal of women in the Israeli media. The field of journalism is in the midst of a "feminization" process; the number of women in the media is increasing, and women are taking over many positions, at both high and low levels. It is hoped that the advancement of women in the field of journalism will soon have an effect on the prevalent stereotypes of women in the media, which in the past were promulgated by a male dominated media industry.

Contrary to images of women presented in the media, women who work in the media are part of a system in which progress in gender equality is clearly being made. In the years 1989-1990, 44% of the 211 new members of the various reporter unions were women, and in 1994, 49.6% of the total 274 newspaper workers were women. Among 136 local papers, 36 had a woman as editor. In addition, a woman currently acts as head of the Israel Broadcast Committee, as well as the National Committee for Cable (the two broadcasting bodies in the country.)

A study by Y. Limor and D. Caspi (1994) provided figures on the issue of women of in the Israeli press. Their studies show that throughout the years, women have been holding an increasing percentage of positions. For example, the following table shows the increase in numbers and percentages of members, active and otherwise, of the newspaper organization (in Tel-Aviv and Jerusalem).

Table 1 - Active Members of the Newspaper Organization

	Tel-Aviv		Jerusalem	
	1991	1994	1991	1994
Total Members (including pensioners)	969	1162	835	826
Number of Women	335	428	240	267
Percentages	34.6	36.8	28.7	32.3
Active Members (without pensioners)	823	970	764	765
Number of Women	314	395	233	264
Percentages	38.2	40.7	30.5	34.5

Source: Limor and Caspi

A second chart displays the same growth; through a breakdown by years of the number of women reporters of the major Israeli newspapers:

Table 2 - Journalists in the Private Daily Papers

Year/ Paper	Yediot Achronot		Ma'ariv		Ha'aretz		Jerusalem Post	
	Men	Women	Men	Women	Men	Women	Men	Women
1955/6	32	1	34	1	37	2	33	10
percents	97	3	97.1	2.9	95	5	76.8	23.2
1966	71	7	68	6	48	4	35	8
percents	91	9	92.1	7.9	92.3	7.7	81.4	18.6
1976	85	12	92	12	72	5	44	11
percents	87.6	12.4	88.5	11.5	93.5	6.5	80	20
1986	90	39	101	32	69	19	60	14
percents	69.8	30.2	76	24	78.4	21.6	81.1	18.9
1991	110	64	112	44	85	48	37	24
percents	63.2	36.8	71.8	28.2	64.4	35.6	60.7	39.3
1994	*		140	88	122	85	36	27
percents	58.5	41.5	61.4	38.6	59	41	57.1	42.9

*The editors refused, for unpublished reasons, to release the number of workers, but provided the percentage of women

Source: Limor and Caspi

2. 1. Rank of Women's Positions

Much of Israel's electronic media is under the authority of The Israel Broadcast Authority. In this body much has been done in response to complaints of inequality directed at the media. Though women are obtaining high-ranking positions in newspapers, radio and television, the majority of central positions in editing and management remain in the hands of men. Although three women serve as editors of the weekend supplements of major papers, overall, women still comprise a minority of editors. The following table presents the breakdown of managers in the Broadcast Authority (1994), to illustrate the differences between men and women in upper level positions.

Table 3 - Women in Positions of Management

	Total Positions	Women	% Women
Radio			
Department Managers	37	16	43.2
Section Managers	13	3	23
Division Managers	7	1	14.2
Television			
Department Managers	14	4	28.5
Section Managers	15	5	33
Management and Administration			
Department Managers	18	7	38.8
Section Managers	19	5	26.3

Source: Israel Broadcasting Authority

As of 1995, the number of women versus men in the various forms of the media shows that women still make up less than half of the positions. Note that among the Arab language broadcasts, the differences are much greater.

Table 4 - Women in the Broadcast Authority

Department	Total Workers	Men	Women	% Women
Radio	416	222	194	46.6
Arabic Radio	112	70	42	37.5
Television	424	240	184	43.4
Arabic Television	54	40	14	30
Total	1006	572	434	43.1

Source: Israel Broadcast Authority

A further breakdown is provided in the following table, dividing the positions by topics and fields:

Table 5 - Women, by Department of Broadcast Authority

Department	Total Workers	Women	% Women	Men
Radio				
Total	416	194	47%	222
Management	2	1	50%	1
Executive	68	36	53%	32
News	124	40	32%	84
Program Editor	45	26	58%	19
Broadcasting	43	21	49%	22
Music	18	11	61%	7
Foreign Broadcasts	116	59	51%	57
Total Arabic	112	42	38%	70
Television				
Total	424	184	43%	240
Management	2	1	50%	1
PR and Bought Films	13	9	69%	4
Directors	26	8	31%	18
News	86	22	26%	64
Programming	76	37	49%	39
Production	221	107	48%	114
Total Arabic	54	14	26%	40
Grand Total	1006	434	43%	572

Source: Israel Broadcast Authority

A decision by the Authority prompted the establishment of a Committee for the Status of Women in the Broadcasting Authority. In addition, as the result of a joint initiative of the Committee, the Broadcast Authority, the Israel Women's Network, and the participants themselves, a series of courses on "Women in Broadcasting" began in November 1996. The goal of the course was to enable women in influential positions in the Broadcast Authority to gain professional experience in an educational forum. An additional goal was to strengthen the self awareness of women in the business world in general and the field of media specifically. Due to its success, there are plans to continue the course in the future.

3.Women and Media in Israel

3. 1. Representation of Women in the Media

Israel was among 71 countries which participated in Media Watch's global media monitoring project. The results of the report clearly illustrate discrepancies between the number of male and female journalists and interviewees in Israel as opposed to other countries. Invariably, the numbers for Israel are lower than the global average.

Table 6 - Percentage of Women Reporters and Interviewees

Medium	Reporters		Interviewees	
	Global	Israel	Global	Israel
Newpapers	25	17	16	15
Radio	48	25	15	10
Television	43	30	21	9
Total Average	38.6	24	17.3	11.3

Source: Israel Women's Network

3. 2. Content Relevant to Women

An additional category researched in the report was the number of stories that deal with issues deemed specifically relevant to woman. As the following chart shows, Israel's overall average is well below the global average, but this is due to uneven distribution among the different mediums; on television, Israel is actually above the global average.

Table 7 - Percentage of Stories Dealing with Women's Issues

Medium	Global %	Israeli %
Newpapers	15	0
Radio	10	8.5
Television	9	10
Global Averag	11	6.15

Source: Israel Women's Network

Research on television in Israel revealed that women are often presented differently than men. Women are generally introduced by their first name, sex, family status, and a supporting description (the wife of, the niece of, etc.) while men are introduced by a description of their function, their professional grade, their full name, and family name. The same held true for a study of the written press.

In June 1995, an attempt was made to remedy this discrepancy in representation through a joint effort of the Israel Women's Network and the Broadcasting Authority. The aim of this action was to increase the number of women invited as guests to the radio and television industry, and to thereby combat the great discrimination in numbers mentioned above.

3. 3. Advertising

A review of the text and images used in Israeli advertising reveals widespread exploitation of female stereotypes. Women are often portrayed as helpless, dependent, ineffectual, emotional, vulnerable, subordinate, childish, and plain stupid (Lemish, in print). Overall, images used on Israeli television and advertising transmit an almost singular message: women are marginal to the political, cultural, and economic development of society.

For example, in a study called "Representation of the Sexes and Sexist Stereotypes Appearing in Advertising in the Israeli press" it was revealed that men were portrayed in advertisements as professionals 179 times, as opposed to 83 times for women, and that women's exposed body parts appeared more often than men's. These representations create a certain perception of a woman's role in the business world, and of women as sexual objects. Studies have also shown that women are used to advertise relatively cheap products, while more expensive products are advertised by men.

3. 4. Women and Crime

Women are often portrayed in the media as victims:

Table 8 - Percentage of Women Interviewed or Mentioned

percents

Medium	% Women	thereof: Victims
Television	9	66
Radio	10	57
Newspapers	15	72

Source: Israel Wome's Network

The global media monitoring project, in which Israel participated, focused on the portrayal of women in the media, particularly as victims. Internationally, 29% of the women interviewed or mentioned in television broadcasts were victims, as opposed to 10% of the men. In Israel, it was found that women appeared in the news as victims 65% of the time, which is more than double the world rate of 29%. One explanation for this statistic is that bereaved families are often shown on the news, and particular attention is often focused on grieving female family members.

3. 4. 1.Women as Criminals

A study of the representation of women criminals in the Israeli media revealed that media images of male and female offenders differ, the major difference being the attribution of responsibility (Weimann, Fishman). Female offenders are very often viewed as erring and misguided creatures who need protection and help rather than as dangerous criminals; in other words as "Pawns" rather than "Originators." This is evident primarily in cases of "male dominated crimes," such as crimes against the person, rather than crimes where male and female offenders are more evenly divided, such as fraud. The researchers conclude that this study confirms the prevalence of sex-role stereotypes in the press when women are represented as dependent, submissive, and weak, whereas men are portrayed as self-reliant, strong, and aggressive.

3. 5. Equal Language in Television

In 1993, the director of the Broadcasting Authority adopted a decision taken earlier by the Committee for Service Advertisements concerning the principle of equality between the sexes. The decision prescribes that:

1) Hebrew being a gender specific language, service advertisements shall address both sexes, or alternatively, use the plural "you."

2) It is forbidden to represent women as powerless and subservient in advertisements.

/...

3) Advertisements which sell goods and ideas by using women as objects, sex objects, or by presenting their individual body parts, are prohibited because they are degrading to women.

4) An absolute interdiction was placed on the representation of every kind of violence, particularly violence between the sexes.

In the beginning of 1994, a second channel was added to Israel TV, which runs private advertisements. Here too, there are requirements for the approval of advertisements.

3. 6. Campaign Advertisements and Representation of Women

The last three elections have included television election campaigns. Representation of women in these television campaigns was extremely limited.

3. 6. 1. Limited Coverage

Study of the 1996 campaign revealed that only 17% of the images appearing in all printed campaign propaganda were of women, up only 1% from the earlier study of the 1988 campaign (Lemish, 1988). Moreover, women generally consituted less than 20% of all persons who represented the major parties on television. However, in the newly formed Arab parties, the percentage of women who appeared in their campaign literature reached 55%, and in the Arab-Jewish party *Hadash*, 60% were women. 29% of those who appeared in the left-wing party *Meretz*'s campaign literature were women, an improvement from 12% for the party's 1988 parallel party, *Ratz* (Lemish and Tidhar, 1996).

3. 6. 2. Content of the Representation

Out of the total number of topics addressed in campaign advertisements, only 25 speakers (1.3%) dealt directly with topics related to the status of women. In addition, it was found that women in political advertisements were more often younger women portrayed as anonymous figures (with no mention of their name, position, or title), who appeared in shorter time allotments than their male counterparts. When female candidates were covered, their emotional characteristics were emphasized more than their political opinions.

3. 7. Women as Agents of Change

It seems that in the past several years a gradual change is taking place within the Broadcast Authority and the media at large. More programs dealing with "women's issues," both in terms of traditional themes that are thought to interest women and in terms of social themes that concern women's status are being aired, mainly on the various radio stations. Many of these developments can be attributed to women journalists who initiate many of these programs. For example, the two most popular daily news programs on the leading national radio station are hosted by women, both of whom identify themselves as feminists, and who pay specific attention to questions of women's status and advancement. The first program, which is a prime-time news program, includes a regular weekly section where "honor and dishonor distinctions" on family-violence are awarded, with the cooperation of the organization of Men Against Family Violence. The second program, which goes beyond the head-line news, is hosted by an outspoken feminist who often provides explicitly feminist social critique to the issues she features.

3. 8. Media Campaigns Against Violence Against Women

3. 8. 1. *Ezrat Nashim* - To Increase Awareness of Help Centers

The recently formed voluntary association of *Ezrat-Nashim* (literally meaning "Women's Aid", but also the name of women's section in Orthodox synagogues), is comprised of leading women from the media. This group began a campaign to increase awareness of women's help centers and to raise money and public support for their operation. As of December 1996, the slogan, "they cannot force (double entendre: rape) you to keep silent," has appeared on numerous billboards and in television and radio announcements. In addition, a national toll-free telephone number was introduced, which a person in need can call from anywhere in the country. According to the organizer of this association, the number of calls has increased sevenfold since the introduction of the campaign.

In addition, as a result of the campaign:

1) The Prime Minister promised to match the sum raised by *Ezrat Nashim* (in addition to the 3 million NIS already dedicated to a campaign against violence, as explained below.)

2) The Minister of Labor promised to triple allocated funding for women's help centers.

3) The Minister of Treasury is working towards inserting a permanent allocation for women's help centers in the national budget; as are many local councils.

Thus, as a result of this high profile media campaign, increased funding has been given to the centers and national awareness about this issue has been raised significantly.

3. 8. 2. The Prime Minister's Campaign

One issue that gained much attention in the last election campaign was the issue of violence against women. Prime Minister Binyamin Netanyahu has decided to run a 3 million NIS media campaign to increase public awareness of the issue and of the **Prevention of Violence Law-1991**. This media campaign is intended to raise awareness about battered women, forewarn abusive men, increase public involvement, and instill the values of equality, tolerance and non-violence in the younger generation.

3. 8. 3. Other Programming

In addition, the army radio station recently devoted a full day's program to the issue of violence against women and local TV cable stations initiated similar campaigns about violence against women and family violence.

4. Pornography

Israeli law has dealt with the problem of pornography in several pieces of legislation: the **Cinema Ordinance** (enacted in 1927) which authorizes the Council for Scrutiny of Films and Plays to restrict the display of such materials for reasons of moral offense or corruption; the **General Import License-1978**, which prohibits the importation or the mailing of any obscene materials (inlcuding, books, magazines, etc.); the **Bezek Law-1982**, which regulates all the television broadcasting in Israel, and provides that a producer shall not run cable programs that have not received approval from the Council for Scrutiny or that contain obscene material as precluded in the **Penal Law-1977**; and the **Penal Law-1977** itself. Until 1991, section 214 of the **Penal Law** had prohibited the selling, possession, printing, display or publication of pornographic materials, where pornography was defined as material that potentially corrupts morality; case law has added the criteria of obscene material which lacks any artistic value.

A 1991 reform to the **Penal Law** shifted the focus from immorality to a clearer separation between the private and the public sphere, where protection from offensive materials should be guaranteed, and to increased emphasis on the dignity of the person. For example, section 214Ab(2), which was enacted in 1990, prohibits the representation of persons in a humiliating or degrading sexual manner, or in a manner that depicts the person as an available sexual object. Other provisions of the 1991 version of section 214 specifically outlaw: 1) the publication of obscene material or its preparation for publication, and 2) obscene performances in public places, or in any other place which is not private and is accessible to persons under 18 years of age. These violations are punishable by up to three years imprisonment. The use of a minor (under 18) in a pornographic publication or presentation in punishable by up to five years imprisonment.

The reforms were a result of a peculiar coalition between women's organizations and the religious parties and include the prohibition against exhibition of pornographic materials on "public boards," such as in bus stops, over public buses, on billboards and outdoor signs where the "captive audience" has no choice but to see it. The definition of "offensive representation" for this purpose includes, in addition to section 214Ab(2) mentioned above, a picture of a nude body or an intimate body part of a man or a woman; a picture which depicts sexual relations or sexual violence; a picture of partial nudity, either of a man or a woman; a picture which contains material offensive to the moral feelings of the public or of a part thereof; a picture which corrupts the public morality; or a picture which is harmful toward minors or their education.

In practice, the laws against pornography are rarely invoked. According to police data, in 1994 there were only three convictions for the offense of "Distribution of Offensive Material," though in 1995 the number rose to 16. The censorship of plays has in fact been revoked, and the censorship of films was effectively undermined in a recent Supreme Court ruling,making it largely inapplicable.

The Second Radio and Television Authority Council promulgated **Rules for the Second Television and Radio Authority (Ethics in TV Advertising) - 1994**, which outlaw the advertising of obscene materials or sex-services, and the broadcast of any commercial that depicts sexual relations, sexual insinuations, victims of sexual violence or initiators of sexual violence, unless there is strong public interest for such a presentation, in line with any other legal provision. Supplementing these rules, the **Rules for the Second Television and Radio Authority (Prior Approval of TV Advertising) - 1994**, require the submission of any commercial to approval by the Second Authority Council. The Second Authority Council's 1995 report reveals that during that year, 8 commercials were canceled because of lewd content, or 0.33% of the total commercials that year.

5. Women and Religion in Israel

No report on the state of women in Israel can be complete without discussion of the place of religion in Israeli society and the influence of religion on women's daily lives.

5. 1.Women of the Wall

One social illustration of the effect of religion on Jewish women is apparent in the case of the Women of the Wall. This affair began in December 1988, when a group of Israeli and foreign women, representing all religious streams in Judaism, prayed together and read from a Torah scroll in the women's section of the Western Wall while wearing prayer-shawls; (practices which are traditionally reserved for men alone). The group was interrupted, attacked, and dispersed by ultra-orthodox men and women who were offended by its non-traditional practices. In March 1989 the group petitioned the High Court of Justice after being violently attacked on repeated occasions when they tried to pray, even without prayer-shawls and *Torah* scrolls. They asked the court to protect their right to freedom of religion by guaranteeing their right to pray as they wished at the Western Wall. In December 1989, the Minister of Religion amended the **Regulations on the Protection of Sacred Places for the Jewish People - 1981** to include a provision that prohibits the engagement in a religious ritual at the Western Wall that is not in accordance with the custom of the place and that offends the feelings of those praying there. The petitioners then amended their petition to include the nullification of this amendment. The Court gave its majority decision in January 1994, denying the petitions but recommending the establishment of a governmental committee to fully investigate the subject and search for an alternative solution that would guarantee the women's freedom of religion while minimizing the offense to the other worshippers at the sight. The resulting committee then recommended that the women be allowed to pray in the manner they wish but in a secluded section of the Wall, removed from the main public area. The women objected to this solution, and their struggle continues.

6. New Immigrants from the Former USSR

This subchapter will review the status of female immigrants from the former Soviet Union.

Israel is a country of immigrants. Most of its citizens have immigrated from various countries and cultures and it is therefore important to evaluate immigrants' status. Indeed, the fact that Israel encourages immigration demands an in-depth analysis of the process of immigrant absorption and how this process is accelerated, an anlaysis that falls outside the purview of this report.

Between 1990 and 1995, 685,683 new immigrants, mostly from the former USSR, arrived in Israel. These immigrants formed 10% of the total population in Israel and 53% of them were women. The following table shows the breakdown among immigrants by sex and family status, and points to the large number of women, particuarly those who are divorced or widowed among the new immigrants:

Table 9 - - Immigrants Aged 15 and Over

	Total	Never Married	Married	Divorced	Widowed
Women					
Absolute Numbers	33,624	6,698	17,563	4,478	4,885
Percents	100%	20%	52%	13%	15%
Men					
Absolute Numbers	27,387	7,123	17,151	2,099	1,014
Percents	100%	26%	63%	8%	4%

Source: CBS, SAI 1996

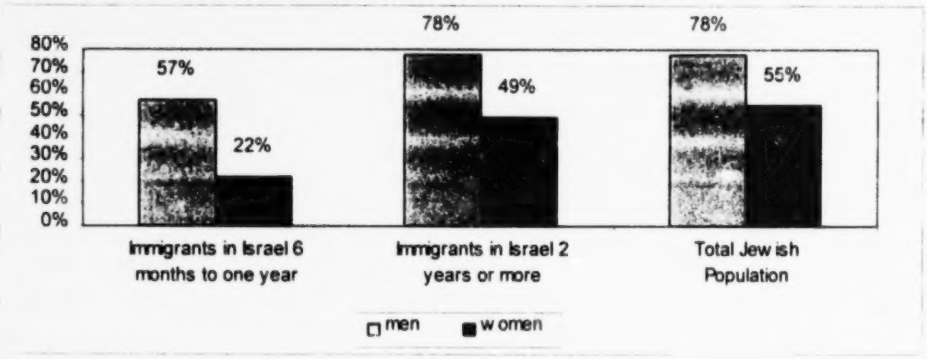
6. 1. Typical problems facing new female immigrants:

6. 1. 1.Lack of employment:

A countywide survey of new immigrants of employment age (ages 25 - 64) from the Former Soviet Union that was conducted by the JDC-Brookdale Institute in 1992 revealed some interesting facts (Naveh, Noam & Benita, 1995).

The findings of this survey indicate that half (51%) of these immigrants are employed. The employment rate is higher among men (67%) than among women (38%). The employment situation tends to improve over time, with an employment rate of 62% among immigrants who have been in the country for two years or longer (78% of men in this category and 49% of women) compared with 36% among those who have been in the country between six months and one year (57% of men, 22% of women).

Chart 1 - Employment Rates Among the General Jewish Population and Immigrants from the former Soviet Union



Source: Monthly Statistical Bulletin, 1992

According to the conventional definition, as used by Central Bureau of Statistics (CBS), a person is considered part of the work force if he or she is either employed or seeking employment (see definitions under Article 11 above). By this definition, 70% of the immigrants in this survey belonged to the work force, 51% actually employed, and 19% seeking employment. Roughly 85% of men are in the work force, and 58% of women. The rate of participation in the work force among immigrants is almost identical to that among corresponding age groups in the general Jewish population in Israel (70% and 72% respectively). The rate among immigrants who have been in the country for two years or longer is actually higher. However, the percentage of immigrants seeking employment is more than double the corresponding figure among the general Jewish population.

This pattern is comparable among both male and female immigrants. Nonetheless when comparing the former occupation of the immigrants to their occupation in Israel, the percentage of women employed in unskilled labor is relatively higher than that of men, and the percentage of women who work in the same field in which they were formerly employed is relatively lower than that among men. Furthermore, upon examination of the distribution of working immigrant women in the various economic branches, the most striking figure is the high concentration of women in health services, welfare and social work, which comprises 22% of the total work force. (The next highest concentration is in wholesale and retail trade: 12%). The following table gives some indication of this phenomenon:

Table 10 - Immigrants, by Labor Force Characteristics and Occupation in Israel, Approximately a Year After Immigration

Immigrants who arrived from the USSR in October-December 1990, and October-December 1993

	Total		Men		Women	
	1992	1995	1992	1995	1992	1995
Total- Thousands	63.9	13.6	29	6.2	35	7.4
Labor Force Characteristics						
Total- Percents	100	100	100	100	100	100
In Civilian Labor Force	57.2	52.7	67.2	65.9	49	41.7
Not in Civilian Labor Force	42.8	47.3	32.8	34.1	51	58.3
In Civilian Labor Force- Total	100	100	100	100	100	100
Employed	67.7	87.2	76.6	89.3	57.6	84.3
Unemployed	32.3	12.8	23.4	10.7	42.4	15.7
Occupation in USSR						
Persons Employed in USSR- Thousands	43.8	8	21.9	4.2	21.9	3.8
Percents	100	100	100	100	100	100
Scientific and Academic Workers	36.2	22	32	18.9	40.4	25.5
Other Professional, Technical, and Related Workers	18.9	20.4	11.8	13.8	25.9	27.9
Skilled Workers in Industry, Mining, Building, Transport, and Other Skilled Workers	21	24.8	33.6	38.2	8.4	9.6
Other and Not Known Occupations	23.9	32.8	22.6	29.1	25.3	37
Occupation in Israel about a year after immigration						
Persons Employed in Israel Thousands	24.8	6.2	14.9	3.6	9.9	2.6
Percents	100	100	100	100	100	100
Scientific and Academic Workers	7.1	2.3	8	3.6	5.7	
Other Professional, Technical, and Related Workers	8.8	5.3	5.1	4.5	14.3	6.5
Skilled Workers in Industry, Mining, Building, Transport, and Other Skilled Workers	33.7	32.9	46.5	43.4	14.3	18.2
Other and Not Known Occupations	50.5	59.5	40.4	48.5	65.7	75

Source: CBS, SAI 1996

6. 2. Single parent immigrant families from the former USSR:

6. 2. 1. Introduction

The number of single parent families among new immigrants is larger than their number in the population in general. In 1993, the number of single-parent families was estimated to be roughly 18,000, 13% of all families with children (as opposed to 8% single parent families among the general population in 1993). This figure is increasing at a constant rate. In Israel, as in many other countries, women generally head these single parent families. Among new immigrants, 77% of these single mothers are divorced, 14% widowed and 9% single. 80% have one child, 17% have two, and half of the children in single parent families are 10 years of age or younger.

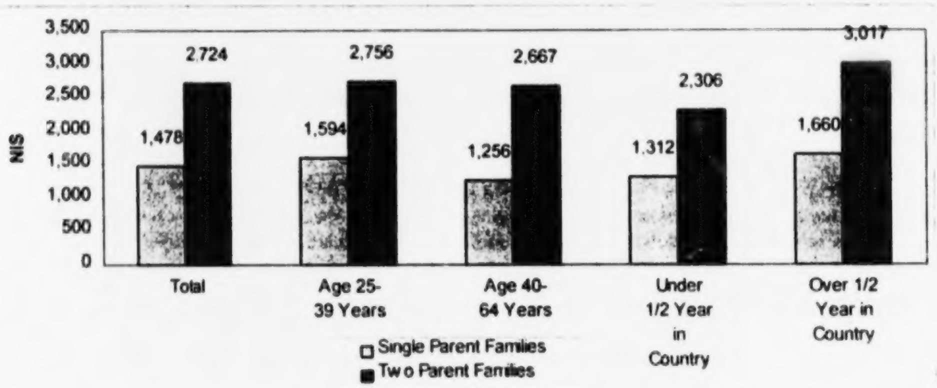
6. 2. 2. Employment in Israel

According to the JDC-Brookdale Institute study from 1992, married immigrant mothers have an economic advantage over single immigrant mothers. Among single mothers, only 26% are employed, 32% of younger women (aged 25-39) and 15% of older women (aged 40-64). Conversely, the employment rate among married women is 47- 49% among younger women, and 42% among older women. The employment rate among married women who have been in Israel for more than eighteen months (58%) is double the rate for those who have been in Israel under eighteen months (29%). Among single mothers the increase is less significant, from 21% to 32%. In addition, among single mothers there is a larger discrepancy between their field of employment in their country of origin and their employment in Israel. Married mothers also enjoy a higher level of job satisfaction than single mothers, particularly younger single mothers, who seem to be much less satisfied with their employment.

6. 2. 3. Financial Status

According to the JDC-Brookdale study that concentrated on single-mothers, the net income among the heads of single parent families is 1478 NIS. This figure is larger in younger age groups (25-39), and smaller in older age groups (40-64), 1594 NIS and 1265 NIS respectively:

Chart 2 --Average Net Income of Immigrant Families



Source: JDC Brookdale 1994

An additional indication of the increased financial difficulties faced by single parent families who are immigrants is the gap in the number of home owners. Only 7% of single parents own apartments as opposed to 32% of two parent families. This is important in a country where owning an apartment is preferable to renting.

6. 2. 4. Aid for Single Parent Immigrant Families

Single parent immigrants receive government aid provided for single parents as well as that provided for immigrants. According to the **Single Parent Family Law-1992**, single parents receive many benefits, as explained under Article 13 above.

In addition, single immigrant mothers may take part in professional training courses which are beneficial to their integration into the work force. More single mothers participate in these courses than single fathers (31% as opposed to 12%). This figure remains lower than the number of married female participants (31% among the single-mothers as opposed to 40% among the married mothers). Approximately half of the mothers (both single and married) who participate in these courses receive professional endorsement and half integrate into the work force in their profession. 35% of the single mothers who participated in these courses are employed, as opposed to 22% among those who did not participate. Among married mothers, 57% of those who participated in the course are employed, as opposed to 53% of those who did not participate. Thus, it is clear that these courses increase the chances of integration into the Israeli work force, though the gap in the employment rate between single and married mothers clearly remains.

7. Violence Against Women

7. 1. Sexual Violence--Legal Aspects

7. 1. 1. The Penal Law Today

According to section 345 of the **Penal Law-1977**, rape is defined as the penetration of a woman's sexual organ, where:

1. It has been done without her free consent, by use of force, infliction of physical suffering, exertion of pressure or threats of the above, whether these were done against a woman herself or against another individual;

2. She has consented, but such consent has been obtained fraudulently as regards the identity of the perpetrator or as regards the substance of the act;

3. The woman is a minor under 14 years of age, her consent being irrelevant;

or

4. The woman was unconscious or in any other condition which prevented resistance, and was thus exploited; or the woman suffered from mental illness or mental limitations which were exploited.

A differentiation is made between **rape**, for which the maximum punishment is 16 years imprisonment, and **aggravated rape**, for which up to 20 years may be imposed. Aggravated rape consists of any of the above acts, where the rapist: 1) threatens the use of weapons; 2) causes severe bodily or emotional damage or causes pregnancy; 3) abuses the woman before the act, during the act or after it; 4) commits the rape in the presence of others who are there in order to participate--actively or passively--in the commission of the rape. Similarly, the rape of a minor under 16 years of age, where the act is considered rape for reasons other than the age of the victim, is considered aggravated rape.

While the narrow definition of rape according to section 345 of the Penal Law excludes all acts committed either against males or against parts of the woman's body other than her sexual organ, section 347 defines other acts that "are to be considered rape" when committed in the circumstances enumerated in section 345 above. Such actions, defined as "sodomy," include the insertion of a male sexual organ into a person's anus or mouth, or the insertion of any other object into a person's anus.

While consensual intercourse with minors under the age of 14 is considered rape, consensual intercourse with minors between the ages of 14 and 16 is defined as a separate offense and is punishable by up to 5 years imprisonment. An exception is made for those rare instances where a minor under 16 is married. Sexual relations with minors between the ages of 16 and 18, where the perpetrator exploits either a position of authority or a relationship of dependence, or where the perpetrator offers false promises of marriage, are similarly punishable by up to 5 years in prison. Likewise, one who exploits a working relationship or a position of authority, or who, despite being married, makes false promises of marriage in order to have sexual relations with a woman over the age of 18, is subject to 3 years imprisonment. A more specific criminal offense forbidding sexual harassment in the workplace is included in the **Equal Employment Opportunities Law-1988**.

While the high maximal punishments provided for in the **Penal Law-1977** represent a clear condemnation of sexual violence, in practice the sentences imposed rarely constitute more than a fifth of the maximum. A recently proposed controversial amendment to the **Penal Law-1977** seeks to remedy this situation by instituting a minimum punishment for those convicted of rape, constituting 1/4 of the maximum that may be imposed. According to the proposal, courts are to be permitted to deviate from this minimum only under special circumstances.

Sexual attacks that do not involve actual penetration of an individual's body are classified as "indecent acts" in section 348 of the law. Where such acts are committed under circumstances comparable to those of **rape** above, a maximum punishment of up to 7 years imprisonment may be imposed. Where, on the other hand, such acts are committed under circumstances parallel to those of **aggravated rape**, up to 10 years may be imposed. Where they are committed without the consent of the victim, but in circumstances unlike those enumerated in section 345, the maximum punishment is 3 years.

An important provision, specific to sexual offenses, states that the criminal liability of one who causes a sexual offense to be committed is equal to that of the individual who actually commits the offense.

7. 1. 2. The *Shomrat* Case

In 1993, the Supreme Court decided what has come to be known as the *Shomrat* case, a tragic incident involving the gang rape of a 14 year old girl by a group of 17 year old and older boys, fellow members of her Kibbutz collective settlement. For several consecutive days the group of boys forced her to have sexual intercourse with them, using various pressure tactics to overcome her lack of consent.

The Supreme Court's decision in the *Shomrat* Case has been recognized as a turning point in the Court's handling of rape cases. Explicitly declaring rape to be a crime against the human dignity of the victim, and rejecting stereotypical notions of women's sexuality which promote a forgiving attitude towards those who rape "loose" women, the court adopted a strong stance against the relevance of a woman's sexual history as evidence of her consent in the instance at hand. Similarly, the Court laid down clear guidelines consistent with the laws of evidence, prohibiting the admission of any evidence relating to the victim's sexual history. The Court also explicitly acknowledged the tendency of rape victims to refrain from coming forward with their complaints, holding that such delays in coming forward, when reasonably explained under the circumstances, do not impact upon the credibility of the victim as a witness.

Recognizing that the crime of rape as defined in the **Penal Law-1977** requires the use of force or the exertion of pressure against the victim, the Court held that such force need be neither immediate nor severe. Simply pushing the victim down onto the bed, or--as in this case--threatening the victim with social embarrassment, may suffice. Likewise, the Court recognized that the amended Code, which no longer speaks of the woman's **will**, but rather requires her **consent,** plainly does not demand that the victim actively resist the attempt, especially where it is clear that the victim is too frightened to do so. A verbal expression of non-consent is enough to constitute resistance, and in instances where the victim remains silent, the circumstances surrounding the incident will be evaluated to determine whether such silence implies consent. Objective circumstances--including, in the present case, the victim's age and the series of sexual acts performed upon her by a group of much older boys--may be relevant.

Despite the fact that the *Shomrat* case was relatively recent, many other cases decided since have relied upon and implemented its progressive approach. Some of these cases decided since the *Shomrat* trial, however, have raised questions regarding the extent to which the principles laid down in *Shomrat* will continue to be implemented by the Court in the future. In *Binyamin v. The State of Israel*, for example, a majority of the Justices held that where an experienced, adult woman involves herself in an intimate relationship and willingly engages in sexual activity other than intercourse, her rape by the partner with whom she is involved should be punished less severely than if she was raped by a stranger.

/...

7. 1. 3. The Element of Consent and Issues of Evidence

Until 1982, conviction for rape could not be based on the sole testimony of the rape victim, unless such testimony was supported by corroborative evidence. In 1982, as part of a general reform of the laws of evidence, this requirement of corroboration was abolished. In [illegible] place, a special requirement was established that states that when courts decide to convict based on sole testimony of the victim, they must specify their reasons for doing so. Various steps have been taken to encourage and protect rape victims who choose to come forward. For many years, despite the general evidentiary requirement that witnesses be questioned only about relevant issues, and despite specific prohibitions on irrelevant questions intended to embarrass, deter, or frighten witnesses, courts tended to allow rape victims to be questioned about their personal sexual histories. In 1988 Section 2A was added to the **Procedural Amendment Law (Questioning of Witnesses), 1957**, forbidding courts from allowing victims of sexual crimes to be asked about their sexual history. The section specifies that in unique cases, where the court believes that enforcing this prohibition will cause an injustice to the accused, it may allow such questioning as long as it specifies its reasons for doing so. In the above *Shomrat* case, Justice Shamgar took a strong position against exposing rape victims to such lines of questioning, arguing that the stereotypes which prompt courts to view such questions as relevant must be condemned.

In 1995 the Knesset passed an additional amendment to the above law, **The Procedural Amendment Law (Amendment No. 2) (Questioning of Witnesses), 1995**, authorizing courts to order that the testimony of a complainant in a sexual offense be given in the accused's absence, where the court believes that the complainant or the complainant's testimony may otherwise be harmed. As this requires the making of logistical/technical arrangements in order to allow the accused to view the testimony, maintain contact with his defense attorney, and ask the complainant questions, implementation has been postponed until the beginning of 1997. This law also authorizes courts to request a professional evaluation of the victim's condition before sentencing a person convicted of a sexual offense, and determines that severe sexual offenses be dealt with by a panel of three judges (the latter provision having already begun to be implemented in 1995). Similar evidentiary provisions exist to ensure that minors testifying against their parents in cases relating to domestic violence not be required to testify in the parent's presence.

7. 1. 4. Sex Crimes Against Family Members

Section 351 of the **Penal Law-1977** specifically prohibits the commission of sexual offenses against family members who are minors, and provides severe maximal punishments comparable to those specified for aggravated rape. Any act of rape, or any act which according to the **Penal Law-1977** is to be "viewed as rape," which is committed against a family member who is a minor is punishable by up to 20 years in prison. As mentioned above, "rape" includes consensual intercourse with minors under the age of 14. Sexual, anal, or oral intercourse with a family member between the ages of 14 and 21 is punishable by up to 16 years in prison, whether or not the family member in question consents to the act. "Indecent acts" committed against minors who are family members are punishable by between 4 and 15 years. The law provides a wide definition of family -- including parents, spouses (and ex-spouses) of parents, grandparents, siblings, uncles or aunts, and in-laws. Siblings, uncles, aunts, and in-laws are liable according to this provision only if they themselves have reached the age of 15.

7. 2. Family Gender-Based Violence--Legal Aspects

In 1989, The Karp Committee, headed by the Deputy Attorney General Yehudit Karp, published a comprehensive report dealing with the phenomenon of domestic violence. The report recommended various measures to clarify the criminal nature of such abuse, to encourage various governmental and social institutions to cooperate in order to treat the problem, and to provide victims with emergency access to remedies that could provide immediate protection.

Perhaps the most important result to come of the report's findings was the passage of the **Prevention of Violence in the Family Law-1991**. Until then, no territorial legislation existed which enabled individuals suffering from domestic abuse to obtain emergency remedies to protect their immediate safety. In the absence of such legislation, a woman wishing to obtain a restraining order could do so only within the context of her applicable personal law.

The **Prevention of Violence in the Family Law-1991** operates independently of personal family law, and creates a "protective injunction," designed to provide immediate protection for those subjected to domestic violence. The law, which explicitly preserves the existing legal situation, has been interpreted by the Supreme Court as adding to the options already available according to personal law. Worded in gender-neutral language so as to protect "family members" from domestic violence, the law considerably broadens the definition of "family," so as to include various relationships, past and present, within which such violence may occur. The law also explicitly defines "spouse" as including non-marital cohabitants.

The law specifies two instances in which the court may grant such an injunction: where the subject of the injunction has either "acted recently with violence towards a family member or committed a sexual offense against a family member," or where the subject's behavior may reasonably be regarded as constituting a "true physical danger" for the family member. While opposition to the inclusion of emotional abuse prevented the term "violence" from being explicitly defined in the law, and while some lower courts have held that the law applies only to physical violence, the issue has not yet been decided by the Supreme Court. A proposed amendment to the law seeks to allow protective injunctions to be given in cases of severe emotional abuse, but requires that this be done in the presence of both parties.

The law specifies four main remedies which may be included in the injunction, and which are designed to ensure the immediate safety of the abused family member. The injunction, which may be granted for up to three months at a time, and which may be renewed as needed for a total period of time not to exceed six months, may prohibit an individual from: entering or nearing the home of the family member in question, regardless of any rights he may have in the property of that home; harassing the family member in any manner, anywhere; acting in any manner so as to burden the family member's use of her property; or carrying a weapon. The court may also issue limitations upon an individual's ability to be armed if he is a member of the security forces (army, police, etc.).

According to a 1996 amendment to the law, a court which does not include in the injunction a prohibition against carrying a weapon must justify its decision in writing. In addition, the law authorizes the courts to require an individual to post bond in order to guarantee that the injunction be obeyed or to guarantee good behavior. The 1996 amendment further provides that the demand for bond, which may include "any instruction which, in the opinion of the court, is necessary to ensure the safety of the family member," may remain in effect for up to six months after the expiration of the protective injunction. In other words, the bond may remain in effect for up to a year. Where the injunction prohibits an individual from entering or nearing the residence of a family member, failure to abide by the injunction may result in immediate arrest.

The law recognizes the profound emotional distress of the abused individual and therefore empowers the Attorney General and police prosecutors to intervene on behalf of those adults who are unable to act. This unique provision, allowing for action to be taken by individuals other than the adult victim, implies the acknowledgment of the helplessness characterized as "Battered Women's Syndrome," that often prevents abused women from actively seeking intervention. In an additional provision intended to make it easier for victims to come forward, the law similarly requires the court to handle the bureaucracy involved in filing a request for an injunction.

The tendency of battered women to revoke their complaints after they have turned to the police has made it very difficult for the police to provide a proper law-enforcement response to domestic abuse. Steps have therefore similarly been taken within the police to ensure that cases pertaining to women who later withdraw their complaints are not closed. In order to prevent misuse of the remedies provided in the law, the law stipulates that where such misuse has been found to have occurred, the requesting party may be ordered to pay compensation.

This change of attitude reflected in the passage of the **Prevention of Violence in the Family Law-1991** may be observed in the judiciary as well. In the 1995 case of *Carmela Buhbut v. The State of Israel,* a woman sentenced to seven years imprisonment in the District Court for killing her abusive husband, successfully challenged the severity of her punishment. Justice Dorner, consenting to the majority opinion of Justice Bach, rejected the assumption that imposing a long prison sentence would deter other victims of abuse from taking the law into their own hands. Arguing that it is society's responsibility to provide battered women with alternatives other than recourse to violence, Dorner emphasized the fact that Buhbut's entire community--indeed her entire family--stood by in silence for years as she suffered. The sentence was reduced to three years, and the efforts of various public figures, including Knesset members, have since succeeded in having Ms. Buhbut paroled. A recent amendment to the **Penal Law-1977** allows courts to impose more lenient sentences on victims of severe abuse who have been convicted of murdering the perpetrators of the abuse. While the amendment is not limited to abuse within the family, it seems that this will be among its most important applications.

7. 2. 1. Other Recent Legislative Amendments

Another 1996 amendment to the **Penal Law-1977** makes further progress in recognizing abusive violence within the family as a special and uniquely severe form of assault. The amendment defines violence against family members as a special offense and provides a maximum punishment that is double the usual maximum punishment for assault. This amendment aims to ensure that courts treat the issue of domestic violence with the necessary severity and to counter trends of leniency in sentencing.

The **Penal Law-1977** was also changed in 1996 to extend the statute of limitations on sexual crimes committed against minors by their parents, guardians, or other family members. According to the amendment, the statute of limitations on such crimes begins when the minor reaches the age of 18. The section stipulates, however, that where ten or more years have passed since the crime was committed, the approval of the Attorney General is required before it may be prosecuted.

A 1996 Amendment to the laws of criminal procedure specifically includes reasonable suspicion that an individual committed an act of violence against a family member as grounds for arrest.

Other recent 1996 amendments to both the above **Prevention of Violence in the Family Law-1991** and to the **Penal Law-1977**, allow courts to require abusive individuals to undergo therapy. Where the court has granted a protective injunction, and where it believes the individual in question fit to participate in a treatment program, it may now include mandatory therapy among the requirements of the injunction. Similarly, according to the **Penal Law-1977**, courts may now order convicts who have committed acts of domestic violence to undergo group therapy. Courts are also provided with the option of ordering therapy without conviction in relevant criminal trials. These changes, which reflect a "therapeutic-social" response to domestic violence, are intended to facilitate models such as the Be'er Sheva model discussed below, which adopt a comprehensive community approach to solving the problem.

In 1995, the **Recompensation Law (Child Orphaned due to Domestic Violence), 1995** was passed so as to ensure that where one of a child's parents is killed by the other, the child will be provided for financially. The law provides that where reasonable grounds exist to presume that one parent has committed a felony resulting in the death of the other, the child or children involved are eligible to receive monthly payments from the National Insurance Institute.

In addition to the various measures discussed above which empower the courts to prevent abusive spouses from carrying weapons, a proposed bill seeks to amend section 13 of the **Weapon Law-1949**, so as to authorize courts which convict individuals of domestic violence crimes to suspend whatever weapon license they may have and to limit their access to such weapons when they are performing reserve duty in the army. The proposal would require courts to note the special reasons why the prosecution's request for such limitations were denied, in any instance where the court decides not to issue them.

7. 2. 2. Spousal Murder

On March 7, 1995 the **Parliamentary Investigative Committee on the Murder of Women by their Spouses** was established to look for ways to limit the problem of spousal murder. Its findings were published in June, 1996. According to the Committee's report, there were a total of 613 murders in the years 1990-1995, of which 73 (11.9%) involved the killing of women by their husbands or spouses. In only 17% of the cases were there previous police complaints or files of domestic violence involving the perpetrator. Focusing on the general issue of domestic violence, the Report noted a number of areas in which society's handling of the problem of domestic violence remain to be improved. Among its main criticisms was a lack of sufficient coordination between the various governmental bodies that deal with the problem of domestic violence, and the related difficulty of determining precisely what programs are available.

7. 3. Extent of the Phenomenon of Sexual Violence Against Women

It is difficult to obtain precise statistics on the number of incidents of sexual violence which occur each year. Many instances go unreported, and victims often hesitate before turning to the police or other treatment services for assistance. The **Israeli Sexual Assault Victim's Help Centers Union**, established in 1990, operates as the umbrella organization for various Help Centers throughout the country. Today there are eight Centers which belong to the Union, in Jerusalem, Tel-Aviv, Haifa, Ra'anana, Eilat, Be'er Sheva, Nazareth, and Kiryat Shmonah. While the Help Centers and their activities will be described below, statistics gathered by the Union may be helpful in understanding the extent of the phenomenon of sexual violence in Israel. The following table demonstrates the growth in the number of police files opened for sex crimes between 1990 and 1994.

Table 11 - -Files opened by Police for Sexual Violence Crimes, 1990-1994

Year	Rape	Forced Indecent Act	Other Sex Crimes	Total	Percent of Growth
1990	265	1,126	827	2,218	
1991	362	1,093	777	2,232	0.6
1992	409	1,162	964	2,535	13.6
1993	522	1,327	903	2,752	8.6
1994	513	1,351	988	2,825	2.7
Total	2,017	6,059	4,459	7,592	

Source: Help Centers Union

The Israeli Sexual Violence Victim's Help Centers Union also provides useful statistics regarding the number of incidents of sexual violence each year. Again, these numbers do not provide a comprehensive picture of the frequency of such attacks, since approximately two thirds of those who turned to the Help Centers did not report to the police; thus the statistics should be viewed as complementing one another.

Table 12 - -Requests Received by the Help Centers for Assistance Following Sexual Attack, 1990-1994

Regional Center	1994	1993	1992	1991	1990
Tel Aviv	1268	1317	1150	788	610
Haifa	471	506	586	379	274
Jerusalem	242	224	285	239	206
Ra'ananah	219	123	62	34	29
Eilat	56	50	57	38	30
Be'er Sheba	36	34	36	21	11
Nazareth	17	12	6	0	0
Total	2309	2266	2182	1499	1160

Source: Help Centers Union

Table 13 - -Breakdown of Requests of Assistance by Region and Year, 1994

Region	Tel Aviv		Haifa		Jerusalem	Ra'ananah	Eilat	Be'er Sheba	Nazareth	Total
	Women	Men	Jewish Women	Arab Women						1994
Month										
January	96	14	38	6	30	16	2	1	2	205
February	85	4	18	4	18	16	5	2	0	152
March	52	18	26	16	21	15	7	1	0	156
April	89	18	20	13	25	13	3	1	1	183
May	80	11	41	10	15	30	7	4	2	200
June	102	17	32	20	28	22	3	7	3	234
July	84	5	33	6	19	20	7	1	0	175
August	117	24	41	6	19	15	7	6	2	237
Septembe	100	4	18	6	8	15	4	2	2	159
October	108	7	29	6	16	26	2	1	2	197
November	107	5	31	4	27	14	4	5	0	197
December	114	7	35	12	16	17	5	5	3	214
Total	1134	134	362	109	242	219	56	36	17	2309

Source: Help Centers Union

It is interesting to note that while the number of requests for assistance following sexual attack has been rising steadily since 1990, the vast majority of this growth occurred during 1990-1992.

In most of the Help Centers throughout the country, rape, followed by sexual assault and then by incest, were the most common complaints. Despite the growth in the numbers of reported incidents each year, the relative number of requests relating to each type of crime has remained relatively consistent from year to year.

Table 14 - -Requests for Assistance Following Sexual Attack, by Type of Attack, 1994

	Total	
Type of Sexual Attack	no.	%
Rape	848	36.7
Attempted Rape	133	5.8
Gang Rape	104	4.5
Forced Sexual Contact for Extended Time	53	2.3
Paternal Incest	162	7
Fraternal Incest	83	4.8
Incest by Other	186	6.8
Sexual Abuse	512	22.2
Public Indecent Act	97	4.2
Sexual Harassment by Telephone	16	0.7
Sexual Harassment at Work	64	2.8
Sexual Harassment in the Army	21	0.9
Sex With Minors	17	0.7
Unknown	13	0.6
Total	2309	100

Source: Help Centers Union

Table 15 - -Perpetrator's Relationship to Victim, 1994

	Total	
Relationship	**no.**	**%**
Stranger	330	14.3
Superficial Aquaintance	287	12.4
Circumstantial	251	10.9
Friend/ Acquaintance	360	15.6
Spouse	111	4.8
Family Member	507	22
Unknown	463	20.1
Total	2309	100

Source: Help Centers Union

As can be seen by the table below, an overwhelming 73.1% of those who turned to a Help Center following a sexual attack chose to refrain from reporting the incident to the police. The Help Centers, which view their task as offering moral support and assistance to victims, follow a policy of respecting the victim's wishes as to whether to involve the police.

Table 16 -- Relationship Between Referral to Help Center and Reporting to Police

Relationship	Total no.	Total %
Police Station First	316	14.5
Police Station After	117	5.4
Didn't turn to Police	1589	73.1
Unknown	153	7
Total	2175	100

Source: Help Centers Union

It is interesting to note that, as can be seen from the tables regarding the types of sexual violence reported to the police and to the Help Centers respectively, the proportion of incidents of sexual violence that consist of actual rape is much higher at the Help Centers than at the police. This tends to suggest that while rape victims prefer to turn to the Centers, victims of forced indecent acts and other types of sexual assault are less reluctant to turn to the police.

7. 3. 1. Police Handling of Sex Crimes Against Women

The 1981 police guidelines regarding the handling of rape complaints, still in force today, note that officers must carry out the necessary investigations while exhibiting consideration for the victim's suffering and making certain to preserve both her dignity and her privacy. Complete discretion is to be observed, and all investigation material is to be treated as classified. The complainants name or other personal information should not be published, and any line-ups must be done in a way that ensures her privacy. Only relevant and necessary questions are to be asked, and the investigation should be handled, if possible, by a woman police officer who has specialized in the area. The victim is to be brought to the hospital for a medical examination regardless of the hour at which she arrives at the station.

The Help Centers Union, together with the Israel Women's Network, has recently implemented a Victim's Assistance Program, the purpose of which is to both involve the victim in the criminal process and to provide her with assistance in legal proceedings. The program has been developed in conjunction with both the State Prosecution's Office and the Police. The Police have also recently taken steps ,including the distribution of a pamphlet prepared by the police and the Help Center's Union, which provides the victim with all the necessary information and advises her of her rights.

7. 3. 2. Prosecutorial Policy Regarding Sexual Violence Against Women

The State Prosecutor's Office has taken numerous steps to ensure that the interests of victims of physical violence, and especially victims of sexual violence, be protected throughout the criminal proceedings. Internal directives established in 1994 have been issued to the various prosecutors regarding assistance that should be given to victims of violent crime, including referral to relevant treatment, counseling and medical services and information on punitive damages to which the victim may be entitled as per section 77 of the **Penal Law-1977**.

7. 3. 3. Sentencing for Sex-Crimes

In their comprehensive study of gender-bias in the courtroom, Bryna Bogoch and Rochelle Don-Yechiya focused on sentences imposed for sex-crimes, as compared to sentences for other serious offenses. As their findings demonstrate, sex crimes continue to be treated in a way similar to other bodily harm offenses, despite legislative reforms which aim to increase the severity of sentences for sex crimes relative to other violent offenses. For a more detailed description of the study, see Article 15.

Despite various proposals, there is as yet no minimum punishment for sexual violence, and the trend of lenient sentencing has remained problematic. The average sentence for prison inmates in offenses for which the range of punishment is 5 years to life, is 37.5 months. For sexual offenses, the average is 24 months, while for bodily harm offenses it is 19 months. Overall, defendants tend to be sentenced to an average of one fifth of the maximum for the offense they are convicted of. In offenses against life, the average sentence is approximately 1/2 of the maximum, while in sexual offenses it is merely 15% of the maximum; in bodily harm offenses it is slightly less. Although the actual lengths of prison sentences in sexual crimes rose as a result of the reforms of 1988-90, the relatively low ratio of prison term to maximum sentence has remained constant. In rape cases, the ratio is slightly higher--1/5 of the maximum--which matches the general average noted above.

In over 1/3 of cases involving sexual violence, no prison term at all is imposed. According to this measurement, sexual offenses are not treated more seriously than other violent bodily harm offenses, where prison sentences are also not imposed in more then 1/3 of the cases. In offenses against life, no prison term is given in 10% of the cases.

Similarly, the study found that lower sentences tend to be imposed for non-sexual domestic violence than for non-sexual violence against strangers. For sexual offenses, however, higher sentences have been given to those who assault members of their family than to those who assault others.

7. 3. 4. About the Help Centers

In addition to providing 24-hour emergency hotlines for victims of sexual violence in various centers throughout the country and providing individualized assistance and support groups for victims who so request, the Israeli Sexual Assault Victim's Help Centers Union works to increase public and political awareness of the phenomenon of sexual violence and to lobby on behalf of victims.

The Union has also worked to promote the "Clothesline Project" in Israel. The project began in the United States and has become an international response to sexual violence, with at least eight other countries taking part. Similar programs, such as "Take Back the Night" marches and vigils, and "See, Hear, and Speak" sessions, have been sponsored in large part by the Union, in conjunction with other NGO's.

7. 3. 5. Funding of the Help Centers

The budget of the Ministry of Labor and Welfare includes a section on "Rape Victim Treatment," classified as part of the "Service for Girls in Distress."

In a November 4, 1996 meeting of the Knesset Women's Status Committee, it was noted that funding of the Help Centers remains approximately 10% of their overall expenses. The Minister of Labor and Welfare promised to reevaluate the amount of funding provided, and there was talk of raising funding by 40%. Meanwhile, however, the Help Centers remain in danger of closing due to lack of sufficient funds.

7. 4. Extent of the Phenomenon of Domestic Violence

As with statistics regarding sexual violence against women, statistics on the number of battered women in Israel are only estimates. According to a conservative estimate, approximately 10% of married Israeli women are subject to domestic abuse, about 7% on an ongoing basis. 1994 reports of the Ministry of Labor and Welfare show the number of battered women in Israel to have reached 200,000. 27% of the 4850 instances in which women turned to legal aid services throughout the country in 1994 had to do with issues of violence against women.

Police files, which as explained above only began to keep systematic track of domestic violence reports in 1995 show that during 1995, the police received a total of 14,706 complaints of domestic violence submitted by women, constituting 76% of all domestic violence reports. In 7774 of the cases, criminal files were opened. There were 113 reported incidents of severe spousal sexual violence against women (forced rape or forced indecent acts, 110 of which were opened as criminal files and 13 of which remained with no criminal proceedings). The relative rarity of domestic sexual violence complaints can perhaps be explained by the reluctance of most victims of sexual violence within the family to come forward.

In 1995 a total of 9577 criminal files were opened regarding domestic violence (including both men and women as complainants), and 3538 were closed on various grounds. 3679 went to the prosecution, and 1524 were heard in court. 836 are in process at the police.

In 1996, a total of 14,967 incidents of domestic violence were reported to the police by women. Exact information regarding the handling of these incidents is as yet unavailable. Of these, 13,600 involved Jewish complainants, while 1367 involved Arab women.

7. 4. 1. Police Handling of Domestic Violence

Reports

In addition to serving as the basis for various legal reforms, the 1989 report of the Karp Committee prompted a complete re-evaluation of the treatment of domestic violence by the police, which had previously focused on "peace-making" between the spouses involved, rather than on enforcing the criminal law and bringing abusive husbands to justice.

The 1990 police guidelines discussed below were implemented largely as a result of the Karp report. In 1991 the State Comptroller included in the 42nd annual State Comptroller Report a study of the phenomenon of domestic violence and the way in which it is treated by the police. Indeed, the report noted a certain amount of improvement in the situation. However, it also found the implementation of the guidelines to be lacking in certain respects. In 1993, the Police Comptroller published a report on Police Handling of Violence Between Spouses, criticizing the lack of full implementation of the spirit and letter of the 1990 guidelines, and suggesting a more comprehensive approach that would combine determined use of criminal sanctions with coordinated long-term community intervention.

More recent reports have expressed satisfaction with the current trends within the police force, which has continued to move forward both in its theoretical approach and in the implementation of its policy. For example, In June of 1996 the Parliamentary Investigative Committee on the Murder of Women by their Spouses published its findings, and praised the police for the changes in its attitude towards domestic violence and for its current policy designed to deal harshly with abusive husbands and constructively cooperate with other community services. The Committee also noted a number of areas which remain to be improved.

In October 1995, an Inter-Ministerial Committee, comprised of members of all the relevant government offices and most of the women's organizations active in Israel, was established to appraise the various agencies which deal with the issue of battered women. It made various suggestions regarding the improvement of reporting mechanisms and legal aid available to women. Its Subcommittee on Police Affairs, comprised of representatives from the Police Force, the Ministry of Labor and Welfare, the Justice Ministry, women's organizations, and shelters for battered women, also published its findings. Affirming the importance of combining law enforcement with mandatory treatment, a majority of the members pointed to the dangers inherent in community treatment models, which may fail to place enough emphasis on the criminal nature of domestic violence.

The 1990 Police Guidelines

In 1990, in response to the Karp report, steps were taken to "professionalize" the treatment of domestic violence issues within the police. A special unit was established to monitor from above the treatment of violence in the family as a distinct issue. Similarly, "supervising officers," in charge of ensuring policy implementation in the specific area of domestic violence, were appointed to police stations throughout the country.

Emphasizing the criminal nature of domestic violence and the obligation of the police to refrain from becoming involved in the substance of the conflict, the guidelines direct the police to give complaints of domestic violence high priority and act to criminally prosecute the perpetrator and to give the victim the assistance she needs. The guidelines, still in force today, also stress the importance of cooperation with welfare authorities.

Police officers who arrive on the scene of an incident of domestic abuse are instructed to stop whatever violence is taking place, assist the victim in receiving whatever medical care is necessary, take steps to record evidence and take testimony from the victims, and take the perpetrator to the station for questioning. Only where it is evident that the complaint was groundless, or where the offense committed was extremely light and there were no signs of physical harm or danger that the situation may deteriorate, may the police officer refrain from taking the suspect in for questioning. Where the couple has children under the age of 18, the officer must notify a contact in the Ministry of Labor and Welfare, who must then ensure that there is proper coordination between all social services.

When a victim arrives at the police station to complain, officers are instructed to first gather the victim's testimony. Steps must be taken immediately to locate the suspect, and the instructions require that he be questioned within one week, if possible. Similarly, the police are to ensure that medical treatment is provided where necessary.

According to the **National Health Regulations (Notification of Suspected Violence), 1975**, various health-care providers are required to notify the police when they suspect a patient has been subject to violence. The guidelines note that forms should be distributed in hospital emergency rooms to be filled out by hospital officials where relevant.

The victim is to be informed of the various community agencies which may assist her. Where immediate or emergency assistance is required, such as referral to a shelter for battered women and/or legal aid, the victim must be immediately assisted in contacting the relevant agencies. All requests by the victim, by her representative, or by a community treatment agency for information on the police handling of her complaint, including information on whether the suspect has been arrested or released and all information pertaining to protective measures, are to be complied with.

The guidelines specifically state that, as a rule, there is public interest in prosecuting perpetrators of domestic violence. Only where the offense is uniquely light and there has been no previous complaint, may the officer in charge of the investigation decide to refrain from prosecution.

Acknowledging the role of threats and coercion in the decision of many battered women to revoke their complaints, the guidelines also emphasize that a victim's request to have her complaint revoked should not be the determining factor in a decision to refrain from criminal proceedings.

As a rule, files will not be closed due to lack of evidence where it's the complainant's word against the suspect's. Only where there are real grounds to doubt the victim's voracity will her word be regarded as insufficient evidence to continue the investigation.

7. 4. 2. The Be'er Sheva Model

The "Be'er Sheva Model," adopted as a result of the abovementioned 1993 Police Comptroller Report, views the exposure given to the family crisis when the police become involved in a specific incident as an opportunity for community intervention; not just to put a stop to the short-term violence, but also to get at the roots of the problem and provide a long-term solution. Thus, the police, which as a law-enforcement agency is competent to deal mainly with the symptoms of the problem, are to coordinate their activities with various community agencies equipped to deal with the underlying causes of the problem. The criminal aspect of the intervention is understood as one part of a more comprehensive approach centered around mandatory therapy for the perpetrator and community assistance for the victim.

The threat of criminal action is utilized so as to bring about the suspect's participation in a mandatory therapy program. The final decision regarding the fate of the criminal proceedings is to be postponed until the suspect undergoes treatment and the professional opinion of the treatment service is obtained.

/...

Statistical studies have shown the Be'er Sheva model to be relatively successful. "Ping-Pong" complaints (the use of mutual complaints in divorce actions) and recurring incidents dropped significantly. A more serious police attitude towards those complaints which were made was observed, more files were opened, and more offenders were indicted. In general, there was a decrease in the number of instances of domestic violence reported, but since much of the decrease may be attributed to the drop in "ping-pong" complaints and recurrence, many who had previously refrained from reporting began to come forward. Various researchers, however, have criticized the model and contended that its effectiveness remains questionable.

7. 4. 3. 1993 - Today

Since the publication of the 1993 police comptroller's report, significant steps have been taken within the police to improve implementation of the 1990 guidelines and to operate according to the Be'er Sheva community model. In the past few years, a special Community Policing Unit was established to implement this notion of community coordination on a national scale. While not limited to domestic abuse issues, the Community Policing Unit has had a tremendous impact on the police approach to violence in the family, and versions of the Be'er Sheva model have since been adopted in over 20 police stations throughout the country, including Rishon le'Tzion, Jerusalem, Haifa, and Ramle.

In 1995, in response to criticism included in the 1993 police comptroller's report, a computerized system of recording instances of domestic violence, using special codes to note the relationship between the victim and the perpetrator, began to be implemented in police stations throughout the country. While computerized codes had been in use since 1993 to denote the victim's relationship to the perpetrator in cases where no criminal proceedings were pursued, only in 1995 was this extended to those which where criminal files were opened. This both represents an acknowledgment of the unique nature of violence that occurs within the family, and makes follow-up and accurate statistical evaluation possible for the first time. Steps have been taken to put together a monthly statistical report and to enforce statistical record-keeping on an ongoing basis.

Efforts have also been made to further enhance the professionalization of those police officers who handle domestic violence. All Supervising Officers participate in special training sessions, and many stations have instituted weekly classes on domestic violence. It has similarly been decided to establish a special office within the police force to handle these issues. Criticism has recently been directed at the fact that Supervising Officers tend to be overburdened, and that they are usually responsible for areas besides domestic violence. It has been recommended that Supervising Officers be allowed to focus all their attention on the issue of violence in the family, and that special police officers be designated to deal only with this issue.

A recent 1996 amendment to the **Law for the Prevention of Violence in the Family-1991** included police prosecutors as among those authorized to request defense injunctions on behalf of battered women. While most discussion of the options available to police has focused on the criminal sphere until now, this amendment will require the police to formulate a policy on when and under what circumstances to request such injunctions.

7. 4. 4. Statistical Data on Current Police Practices Regarding the Handling of Domestic Violence Cases

A criminal investigation file is opened by the police in approximately 50% of reported domestic violence involving women as victims.

Table 17 Police Handling of Domestic Violence Complaints, January-November, 1995

	Total	P.A.	%P.A.	A.T.	%A.T.
Total Offences Between Spouses	17628	8787	49.8	8841	50.2
Suspect: Male Partner	13373	7057	52.8	6316	52.8
Suspect: Female Partner	4255	1730	40.7	2525	59.3

Source: Israel Police, Statistics Dept.

("P.A." refers to instances where a criminal file has been opened, while "A.T." refers to those instances where no criminal proceeding has been pursued.)

7. 4. 5. Prosecutorial Policy Regarding Victims of Domestic Violence

In addition to the various guidelines discussed above in relation to victims of sexual and other violent crime, the State Prosecutor's Office follows special guidelines regarding the treatment of domestic violence within the family. These guidelines advise that, as a rule, the prosecution should strive to obtain the maximum sentences that may be imposed for severe instances of sexual violence. Similarly, prosecutors are instructed to consider plea bargaining where it may be difficult to obtain a conviction, or where the trial itself may cause additional harm to the victim.

7. 4. 6. Centers for the Treatment and Prevention of Domestic Violence

The Ministry of Labor and Welfare maintains a number of programs and services for victims of domestic violence. Among the most important of these are the Centers for the Treatment and Prevention of Domestic Violence. The Centers were established primarily to provide telephone assistance to both victims and perpetrators of domestic violence, and to undertake various community projects for the prevention of violence in the family--including education and programs to increase awareness among professionals and among the public at large. The services provided include: diagnosis for the parties involved, individual, couple, family, and group therapy, preventive intervention, and training sessions for relevant professionals. In 1994 there were 9 centers, and by 1995 the number had nearly doubled to 15. Today, 19 such centers operate throughout the country, 9 of which are run in collaboration with various women's organizations, such as *Na'amat* and WIZO, and 10 of which are run primarily by the Ministry.

Among the projects undertaken in 1995 were 24 therapy groups for battering men, 33 support groups for victims, 18 seminars, 13 training sessions, 7 orientations, 13 special training sessions for police officers, and 56 training sessions for teachers, judges, doctors, prison service employees, and the army.

An additional program aimed at preparing employees of the centers to further deal with the problems of abused children and children who have witnessed violence between their parents has been planned for 1996-7.

In addition, the 150 Social Service Departments of the Ministry which operate throughout the country offer a complementary service to that of the centers. The activities of the Departments include referral to other services in emergency cases and various treatment programs and therapy sessions for battered women and abusive men.

7. 4. 7. Shelters for Battered Women

The first shelter for battered women was established in Israel in 1977. Today there are 12 such shelters throughout the country, the average shelter equipped to house between 12-15 women, together with their children. As women stay in the shelters for several months, relatively few women can be accepted at each shelter every year. As a result, the number of shelters and their geographical distribution do not meet the needs of the thousands of victims of domestic abuse who request acceptance each year, at least two-thirds of whom are rejected due to lack of space. According to a report of the Personal and Family Services branch of the Ministry of Labor and Welfare, 472 women and 695 children were housed by the 8 existing shelters in 1995.

In addition to the emotional, legal, and economic aid offered to those women who are accepted at shelters throughout the country, the shelters in Ashdod and Herzliya have instituted the "Halfway Project," designed to assist women in their transition back into life outside of the shelter.

The establishment of the shelters was financed by various non-profit organizations, with no governmental participation. The ongoing upkeep expenses of the shelters, on the other hand, are partially funded by the Ministry of Labor and Welfare. Until 1995, approximately 50% of the expenses were covered by the Ministry. In 1996, the Ministry raised its level of funding to 75%.

According to conservative estimates of the number of additional shelters required in Israel in order to reach a ratio of shelters per population comparable to that of other Western countries, at least 8 more shelters are needed.

7. 4. 8. Hotlines

Various women's organizations, with the participation of the Women and Girls' Service of the Ministry of Labor and Welfare, operate hotlines for battered women throughout the country. There are currently ten such hotlines in Israel, one of which operates in Arabic. Ensuring complete anonymity and confidentiality, the hotlines provide a 24-hour per day option for women throughout the country who wish to stop the violence, but who are unable to turn to the police or to make contact with treatment officials. They are run by volunteers who provide the callers with various information, and who serve as sympathetic listeners.

/...

7. 4. 9. Coverage of Medical Treatment

Previous uncertainties regarding the extent of medical coverage given to sexually or physically abused women as part of their National Medical Insurance have been resolved. Today, the **National Health Insurance Law** covers any and all medical expenses incurred as a result of sexual or physical abuse against women.

7. 4. 10. Future Services to be Provided

1. Absorption Apartments: The project, which was slated to begin in the mid-October 1996, aims to provide an emergency solution for high-risk battered women who are unable to stay in a shelter. The locations of the apartments are to remain confidential, well-protected, and equipped with a special emergency button with which the police may be immediately notified of any danger. In the beginning, there will be 10 such apartments provided by the Building Ministry, and equipped to handle 120-240 women, together with their children.
2. Hostel for Abusive Men: The project was approved in December 1995 as part of the Special Project Fund of the National Insurance Institute. The purpose of the hostel is to create an intensive treatment center for abusive husbands, who must participate in therapeutic programs as a condition for suspending the criminal proceedings against them. It will also provide a temporary housing solution for men who have been issued injunctions to leave their homes. The hostel will be equipped to handle between 10 and 12 men at once, for periods of 3-4 months.
3. Various other planned projects include a recorded telephone message to provide information to victims in various languages, the establishment of a single emergency hotline to be accessible from all over the country, and additional training sessions for social workers and other individuals who work with victims of domestic abuse.

ARTICLE 6

Suppression of the Exploitation of Women

State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

1. General

There are no official numbers regarding the extent of prostitution and the traffic of women in Israel, but there is a general consensus that it is becoming more prevalent. A reporter who has done work in this area estimates that over 10,00 women in Tel Aviv alone engage in prostitution.

2.The Legal Framework

In addition to Israel's ratification of CEDAW in 1991, Israel has also ratified the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, and the 1989 Convention on the Rights of the Child. In principle, the current Israeli legal framework for dealing with prostitution is based upon the abolitionist approach, as is the Convention's approach. However, the current legal arrangement and its method of enforcement suffer from inconsistencies and lack of protocol for dealing with the reality of prostitution. Prostitution in itself is not, and has never been, a crime under Israeli law, and the woman who engages in prostitution is not considered a criminal. Instead, the legal system engages in selective prohibition, by criminalizing exploitive conducts that surround prostitution, so that both the exploitive and practical aspects of prostitution are criminalized. Thus, engaging in prostitution as a client or sponsor is a criminal act, while prostitution itself is not.

"Procurement," defined as living off the profits or taking all or some profits from a woman who engages in prostitution, and solicitation of a woman to engage in prostitution, are crimes according to sections 199-201 of the **Penal Law-1977**, punishable by 5 years in prison, and up to 7 years under aggravating circumstances. Such aggravated circumstances include the following: when the woman is a minor under 18 years old; when the woman is the perpetrator's daughter, wife, or when he is her custodian, teacher, or otherwise in charge of her; when the perpetrator accused of soliciting was armed during the act. Case law, however, had interpreted solicitation to mean proven engagement in prostitution, thus making it much more difficult to prosecute for solicitation. Under section 202 of the Penal Law, soliciting a woman to leave her home with the intention of engaging her in prostitution is punishable by 5 years imprisonment, and if the woman is a minor - by up to seven years. Soliciting a woman to leave the country for the same purpose is also punishable by seven years. Section 207 imposes mandatory imprisonment on perpetrators convicted under sections 199-202, with no possibility of a suspended sentence. This is a highly unusual provision in the context of the Israeli criminal law and indicates the gravity which the legislator had attributed to these crimes.

Thus, these laws present potentially broad means to intervene for the purpose of lessening the exploitation, degradation and dangers facing women who engage in prostitution. However, these sections are rarely enforced. Instead, the prostitutes themselves are often arrested, not for engaging in prostitution - since that is not a criminal offense, but for related practices such as the enticement of others to engage in indecent acts in public places, a felony punishable by three months in prison, according to section 209(a). Usually prostitutes are released after several hours, but sometimes they are charged under section 209(a), which was never intended to serve as a regulation of prostitution, or under section 216(a)(5) which prohibits "strolling." Another criminal offense directly applicable to women who engage in prostitution, is section 215(c) which states that being in a place for the purpose of engaging in prostitution, in circumstances which pose disturbance to neighbors or obstruction of traffic is punishable by up to one year in prison. Other crimes which may also be applicable to women prostitutes are sections 204-205 of the Penal Law, according to which the maintenance and management of a place for purposes of prostitution, including a motor vehicle or a vessel, are also criminal crimes, punishable by up to 5 years in prison. Similarly, lending a place for the purpose of prostitution is punishable by up to 6 months in prison. It should be noted that case law has interpreted these provisions to include situations in which women engage in prostitution in their homes, not just in brothels, or "massage institutes." These laws, again, are rarely enforced against women, as illustrated by the data supplied by the police in the following table.

Table 1 - Convictions in Prostitution Related Crimes

	1994			1995		
	Men	Women	Total	Men	Women	Total
Offence						
Procurement						
number	30	18	48	42	11	53
percent	62.5	37.5	100	79.2	20.7	100
Solicitation to Engage in Prostitiution						
number	3	1	4	15	2	17
percent	75	25	100	88.2	11.7	100
Solicitation to Prostitute						
number	8	3	11	12	5	17
percent	72.7	27.2	100	70.5	29.4	100
Keeping a House of Prostitution						
number	49	147	196	106	232	338
percent	25	75	100	31.3	68.6	100
Solicitation of Minors						
number	42		42	44	2	46
percent	100		100	95.6	4.3	100

Source: Israel Police

Notwithstanding the relatively large number of convictions, the overall level of enforcement remains rather low. In internal instructions issued by the State Attorney in January 1994, the police are instructed to commence investigations under each of the following circumstances: when minors are involved in prostitution; when those who engage in prostitution have been manipulated into it; when there is severe abuse of women who engage in prostitution by their procurer, including blackmail and violence; when additional criminal activity such as drug-abuse is taking place. When one of these circumstances occurs in relation to the prostitution-related offences described above, the State-Attorney Office shall consider pressing charges.

As to the specific legislation aimed at the prevention of traffic in women, the only specific expression is in section 202(2) mentioned above, regarding the solicitation of a woman to leave "the country," i.e. Israel, in order to engage in prostitution in another country. There is no parallel provision related to bringing women from another country into Israel for that purpose.

The legal framework theoretically offers means to criminally charge the clientele of the sex-industry under at least one section, namely section 210 of the **Penal Law-1977**, which states that approaching a minor under 16 or an adult woman with indecent insinuations is punishable by up to three months in prison. This section however, has never been enforced against clients of prostitutes.

3. Evaluation of the Actual Situation

In the last few years, the problem of prostitution has grown in Israel, particularly among foreign women. It is difficult to obtain official statements regarding the exact extent of the phenomenon, but most of this traffic in women comes from the former USSR; some of these women enter Israel as tourists, though many of them are given false identities which facilitates their immigration to Israel. According to authorities at the *Neve Tirza* women's prison, there has been a steady increase in the numbers of foreign women involved in sex-work who are arrested for illegal stay in Israel and who are detained before being deported to their home-countries; in over 95% of the cases, these home countries were in the former USSR.

The average time these women spend in prison is 50 days, but detention may vary depending on the time needed to verify their identities and prepare the necessary documentation for their deportation. The women themselves are supposed to pay for their expenses, but when their resources are inadequate, the Ministry of Interior finances their deportation from a special budget.

On the governmental level, a special Service for Girls in Distress in the Ministry of Labor and Social-Services is in charge of prevention and rehabilitation programs for girls in these situations, as will be detailed below.

On the non-governmental level, there is only one organization which deals exclusively with the problem of prostitution, namely *Shani* - Israeli Abolitionist Center Against Contemporary Slavery, which is the Israeli branch established in 1995 of the International Abolitionist Federation. Several of the more general women's organizations in Israel have also recently become involved in this area.

NGOs who work in this area observe that there is no organized "sex tourism" into Israel, although it is not uncommon for some hotels to supply their guests with information about "sex services." Outgoing "sex tourism" prompted various NGOs to advance legislation to prohibit

Best copy available

/...

Israeli citizens from engaging in commercial sexual-relations with minors outside the state of Israel.

4. Involvement of Minors in Prostitution

The issue of minors' involvement in prostitution is dealt with under the general provisions of ther **Penal Law-1977**, in the sections constituting aggravated circumstances, as described above. In addition, there is a special prohibition, punishable by three years in prison, against permitting a minor (defined as a person between 2-17 years old) who is under one's supervision to live in or frequent a place of prostitution. Similarly, permitting a minor under 18 who is under one's supervision to engage in enticement under section 209(a), is also punishable by three years in prison. As part of the growing awareness of this problem, there are several related bills in progress, aimed at preventing minors from involvement in prostitution.

There are few NGO's who are devoted to work in the area of child-prostitution, of these the most prominent are *Elem*, which deals solely with minors, and *Shani* - mentioned above. Recently, as a result of the rising awareness of this problem on the international level as well as in Israel, other NGOs who deal with children's rights have joined in efforts to combat child-prostitution.

The head of the *Elem* organization testified in the Knesset Education Committee about the methods that are used to identify vulnerable girls in nightclubs and force them into prostitution. Once again, no statistical data has been obtained to indicate the extent of this phenomenon. According to *Elem*, there are not enough social services which target this vulnerable population, particularly school dropouts, which could help prevent them from being drawn into prostitution.

Another major problem, according to those NGOs who deal with minors, is the growing market for child-pornography, which although not produced in Israel, is imported and sold freely in response to ever growing demand. The use of child pornography is explicitly dealt with under the section 214 of the Penal Code, which prohibits the publication and presentation of obscene materials.

One significant aspect of the spread of prostitution is the profusion of sex service advertisements in daily newspapers. The expansion of this phenomenon led to a private bill, proposed in 1995,

/...

which would restrict these advertisements. Fearing restrictions on freedom of commercial expression, media and public representatives established an ad-hoc public committee which offered guidelines to publishers regarding these concerns. These guidelines were accepted by all the parties, including representatives of the written media. The significant consequences of this initiative were: 1) The cessation of advertisements which specifically mentioned or alluded to the age (under 18) of the women whose sex-services were being advertised. 2) The moderation of the overall tone of these ads and the pictures which accompany them.

5. Social Attitudes Towards Prostitutes

The overall attitude of courts toward prostitution can be characteized as negative; it is described as immoral and corrupt. The judicial attitude toward women who engage in prostitution is more complex, and varies according to the specific circumstances of each case. In some cases, sympathetic expressions toward these women can be found, in recognition of the harsh circumstances they face and the need to protect them from abuse and exploitation through appropriate legislation (*State v. Prosper*). More often, however, prostitutes are portrayed as untrustworthy witnesses and as deficient mothers.

5. 1. The Connection between Prostitution and Women's Criminality (Mainly Drugs)

There is a significant correlation between prostitution and drug abuse. According to the *Neve Tirza* prison's officials' evaluation, of the 200 prisoners currently in *Neve-Tirza*, 70% are drug-addicts (mainly to heroine, which is the most common drug in Israel) and 10% are in a process of getting treated. Of the 80% with drug addictions, over 60% were involved in prostitution in order to finance their addiction.

6. Rehabilitation Programs for Women and Girls in Distress

When examining rehabilitation programs for women who engage in prostitution an important distinction should be made between those who are drug-addicts and those who are not. As mentioned above, some 80% of the women prisoners are drug addicts, and as the table below shows, there is a rise in the number of women drug abusers and other drug-related crimes.

Table 2 - Convictions in Drug-Abuse Offences

	1994			1995		
	Men	Women	Total	Men	Women	Total
Offence						
Use of Dangerous Substances						
number	3595	516	4111	5112	668	5780
percent	87.4	12.5	100	88.4	11.5	100
Trade in, Importing, or Exporting Drugs						
number	1675	157	1832	1600	144	1744
percent	91.4	8.5	100	91.7	8.2	100
Cultivating, Making, and Distribution of Drugs						
number	128	30	158	191	26	217
percent	81	18.9	100	88	1.9	100
Posession of Drugs Not for Personal Use						
number	2395	353	2748	2782	344	3126
percent	87.1	12.8	100	88.9	11	100

Source: Israel Police

A major rehabilitation organization for girls is the Service for Girls in Distress under the Ministry of Labour and Welfare, which treats adolescent girls age 13-22 in the Jewish population and up to age 25 in the Arab population. Of those treated at any given time, 20% are generally Arabs and 20% of are generally recent immigrants. They suffer from problems ranging from drug addiction to indiscriminatory sexual relations, and unwanted pregnancies, etc., which in many cases result from physical or sexual abuse in their families. The Service works to rehabilitate these girls and re-integrate them into society through therapy, vocational training, and IDF preparation classes which enables the Jewish girls to be conscripted into the army. The Service also operates halfway houses for girls age 17-18 who are capable of functioning independently. The length of stay in these halfway houses is generally one and a half years, and there are currently 6 such halfway houses, one of which is solely for Arab girls. In addition, there are two country-wide shelters, one for Jewish girls and one for Arab girls, which provide emergency protection and treatment of up to one month. Overall, the Service treated 5500 girls in 1993, 7744 girls in 1994, 9000 girls in 1995, and about 10,000 girls in 1996.

ARTICLE 7 Political and Public Life

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, and, in particular, shall ensure to women, on equal terms with men, the right:

a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

c) To participate in non-government organizations and associations concerned with the public and political life of the country.

1. The Right to Vote and Be Elected

There is full equality between men and women regarding the right to vote and to be elected in Israel. Section 5 of the **Basic Law: The Knesset** specifically states that every Israeli citizen aged 18 or older shall be entitled to vote, and section 6 of the same law states that every Israeli citizen aged 21 or older is entitled to run for election.

1. 1. Voting Patterns

Israeli elections consistently draw turnouts which are among the highest in the democratic world (on the average 85% of those eligible to vote). There is no noticeable difference between men and women regarding the participation in the act of voting. The percentage of men and women voters remains approximately the same (85%). Women in the Arab-Israeli community show a higher rate of voting (89.1%) than the men (80.5%).

As to the question of the relevance of gender in casting a ballot, in a national survey conducted recently, an overwhelming majority of both men and women (81% and 79%, respectively) replied that the issue did not have any impact whatsoever on their voting behavior.

2. Women as Members of Political Parties

Women operate within political parties under two categories: in specific women's sections and as individual members. They are considered to have a dual role: to recruit support for the party among women constituencies, and to promote women's representation in the party. The significance of women members in Israeli political parties was accentuated in the 1992 elections when primary elections were first held. The introduction of primaries as a means for selecting parliamentary candidates sharpened politicians' sensitivity to the public mood. In the primaries, only the registered members of a certain party may vote in that party's internal elections and can thereby decide who will be the party's candidates to the Knesset.

2. 1. Party Membership and Voting

In a survey conducted recently, 17.0% of the men and 10.9% of the women respondents reported actual membership in political parties. Moreover, 44.3% of the women polled stated that they did not support nor were they active in any political party.

Table 1 - Women Elected to Knesset, by Party

Party	Number of Men	Number of Women	% of Women in Party
1996			
Labor	31	3	9%
Likud	30	2	6%
Meretz	7	2	22%
1992			
Labor	40	4	9%
Likud	30	2	6%
Ratz	4	2	33%

This data shows that in left-wing parties (Ratz, Meretz, Labor) women representation is higher than in right-wing parties (Likud).

Today, a small number of women hold high-ranking positions in political parties in Israel. These include: Zehava Galon - General Secretary of *Meretz* (Israel Democratic Party), Tamar Guzanski - Leader of *Chadash* (Democratic Party for Peace and Equality), Limor Livnat (Likud) - Minister of Communications, and until recently, Shualmit Aloni who founded the Civil Rights Party and

/...

served as Cabinet Minister under the government headed by the late Yitzhak Rabin. None of the religious parties had any female candidates in viable places on their party lists.

Women who attain top party positions, do not regard themselves as representing the female constituency but rather the public at large. Moreover, women members of parliament take pains to emphasize that their political careers are geared toward national ends, rather than towards promulgating women's interests.

2. 2. Public Awareness of Women Candidates

The media has a very important role in publicizing election campaigns, particularly of women. According to a poll conducted two months before the recent 1996 elections, 94% of the people interviewed said that they received information about women candidates from the media, while only 11% reported y received it from the candidates' public activity. In the same poll 68% of the people interviewed said they believed there was no discrimination between men and women by the media. 32% of the women interviewed and 25% of the men believed there was discrimination against women. The following table describes the sources by which members of the public gain recognition of the candidates.

Table 2 - Sources of Recognition

Source	Public Awareness		
	by Men	by Women	Total
Media	94.8%	93.3%	93.8%
Public Involvement	9.8%	12.0%	10.9%
Personal Knowledge	6.7%	7.0%	6.9%
Letters to Voters	1.0%	7.2%	2.5%
Other	1.0%	3.8%	2.0%

Source: The Institute for Spatial Analysis

This next table illustrates the effectiveness of campaigning by women candidates.

/...

Table 3 - Public Awareness of Women Candidates

No. of Candidates Recognized	By Men (%)	By Women (%)	Total
0	13	21.9	17.8
1	.9	5.6	3.4
2	4.5	5.6	5.1
3	9.4	7.8	8.5
4	8.1	14.5	11.6
5	17.5	13.4	15.4
6 to 10	33.2	23.8	28
11 and up	13.5	7.4	10.1

Source: The Institute for Spatial Analysis

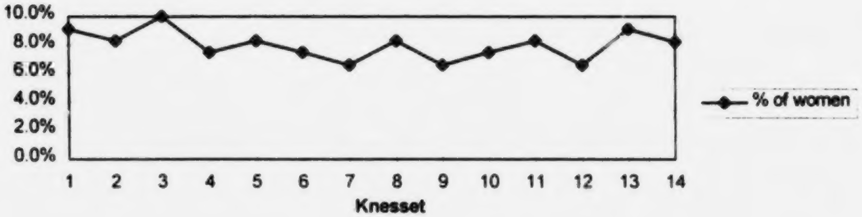
2. 3. Securing Places for Women

In the 1996 elections, 69 women ran for elections within the parties (primaries). The Labor party secured 6 places for women on its list (out of 44) and the Likud party secured 3 places for women (out of 42). *Meretz*, the Citizen Rights Party, secured 3 places on its list (out of 14).

After the votes were counted only 3 women were elected from the Labor party and only 2 women from the Likud party. From Meretz only 2 women were elected out of 9 Knesset members (constituting 22%). These results are primarily because the large parties diminished in their strength.

3. Women's Representation in the Knesset

Chart 1 -Women MKs Throughout the Years



In the 1996 elections only 9 women out of 120 were elected to the Knesset. This figure represents a decline in the number of women in the Knesset.

3. 1. Women as Knesset Members

Many of the powerful seats and positions in the Knesset have never been assigned to women. For example, there has never been a woman Knesset Speaker, though in many Knessets women have served as deputy speakers. On the two most powerful Knesset committees, the Foreign and Security Affairs Committee and the Finance Committee, few women have been assigned. As in other countries, there are many women on committees which are responsible for matters associated with traditional women's interests, such as education, welfare, and social services. In addition, women Member of Knesset have been active in promoting bills and petitions which have dealt with family, welfare, social and economic matters.

In the present Knesset (1996 elections) the nine women in the Knesset serve on one or more of the following Knesset committees: 1 woman on the Constitution, Law and Justice Committee, 3 women on the Labor Committee, 3 women on the Education and Culture Committee, 3 women on the Immigration Committee, 2 women on the Interior Committee.

4. Women in Government

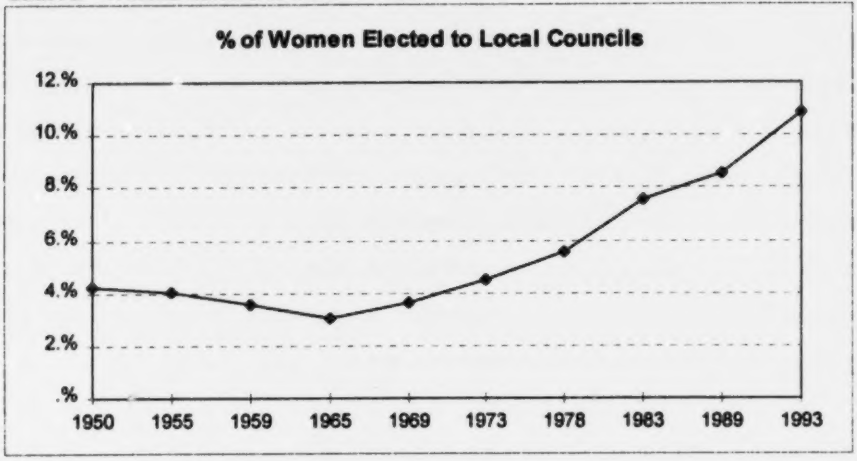
Since the emergence of the State of Israel, only one woman, Golda Meir, has served as prime minister. Having served in the Knesset since 1949, Golda Meir was elected prime minister in 1969 and held the prime minister's office until 1974.

Since the establishment of the State of Israel, six women have served as cabinet ministers. In the current government only 1 of 18 ministers is a woman (Limor Livnat, Minister of Communications). In addition, the heads of 2 government offices, the Environment Protection Department and the Justice Department, are women.

5. Women in Local Authorities

Data indicates women's representation in local authorities has been extremely limited. Nevertheless, there has been a significant increase in women's representation since the first local elections were held in 1950:

Chart 2 - Women Elected to Local Councils



During the State's existence, only six women have served as heads of local councils, none of them in a city with a population over 10,000. Currently, there is only one woman head of a local council, and seven women serve as deputy mayors.

6. Women in the Civil Service

6. 1. Ranks of Women in the Civil Service

Although women made up 59.4% of all civil-servants in December 1995, their rate among the senior staff (namely the three top ranks) of the four main classifications (which compose the main resource for managers in the civil service) was only 10.5%. Women's underrepresentation in the top positions is correlated by their overrepresentation in the lowest ranks (rank 8 and below), where they made up 64.2% of all workers in December 1995. Recent data submitted by the Civil Commission to the Knesset Committee on the Advancement of Women show that significant progress was made from December 1994 to December 1996: the number of women among the senior staff has more than tripled in those two years (from 25 to 85) so that women now make up 14% of the senior staff. However, this apparent progress is misleading, since between 1993 and 1994 a sharp decline in the rate of women in top positions took place, as a result of the new payment-agreements that were signed. This analysis is supported by an examination of the changes in the rate of women among the lowest ranks, relative to their total rate in those four main classifications: from December 1994 to December 1996 the total rate of women increased from 53.5% to 54.3%, and their rate among the lowest ranks increased from 63.7% to 64.3%. In other words, women continue to be overrepresented in the lowest ranks of the Service.

6. 2. Tenders in the Civil Service

The increase of women's participation in internal job-tenders in the civil service, both as candidates and as appointees, is quite constant: in four years the percentage of women candidates has more than doubled, from 23.2% in 1993 to 51.9% in 1996, and the percentage of women who were appointed has likewise more than doubled, from 26.1% in 1993 to 55.7% in 1996. The situation in public tenders is far less positive: from a slight increase in the percentage of women candidates and appointees (from 33.6% in 1994 to 35.2% in 1995 among the candidates, and from 36% in 1994 to 36.7% in 1995 of those appointed), there was a sharp decline among women candidates, and an even sharper one of those appointed: only 30.3% among the candidates were women, and only 28.9% of those appointed were women. The decline in the actual number of women who presented their candidacy went from 3000 in 1994 to 1670 in 1996. Furthermore, while women are consistently appointed at a higher rate relative to the rate of women who presented their candidacy (with an exception in 1994 internal tenders), this has shifted in the 1996 public tenders. The Commission tries to explain this general decline by the overall cutbacks that were imposed on the Civil Service during 1996.

In 1996, an additional regression appears in the gender-composition of the tender committees. As explained under Article 2 above, one of the changes in the Civil Service Code following the 1993 Ben-Israel committee recommendations was reinforcement of the requisite representation of both sexes in tender committees. Although there was indeed a slow decline between 1993 to 1995 in the number of committees composed of men only, both in internal and public tenders (e.g. from 5.4% to 1.6% of all committees in internal tenders, and from 33.5% to 28.6% of all committees in public tenders), there was an unexplained increase in their percentage in 1996 (3.9% in internal tenders and 30.6% in public tenders).

A final piece of information concerning tenders will conclude this examination on a somewhat pessimistic note: upon examination of data that analyses the rates of candidacy and appointment in public tenders in five leading classifications (which together made up 80% of all public tenders) along the line of specific ranks, it appears that during 1995-96, very few women presented their candidacy to the top three positions, and no women were appointed to them, except in the lawyers classification. Furthermore, there is a consistent decrease in both the rates of women candidates and the rates of women appointed as their rank increases.

Notwithstanding this analysis, an inner report of the Civil Service Commission from July 1995 analyzes the data gathered from all tender committees and concludes that at present, women stand a higher chance of being appointed in tender committees than men. The report raises the question of why so few women present their candidacy to these tenders. This is clearly one area in which more analytical energy needs to be invested.

7. Women in Public Institutions

7. 1. In the General Labor Union (Histadrut)

The General Labor Union is a powerful organization which acts an an umbrella for many workers' unions in Israel.

Table 4 - Women in the Histadrut

	Total	Men	Women	% of Women
Executive Committee:				
Members	188	158	30	16%
Deputies	194	155	39	20%
Histadrut Council:				
Members	508	392	116	23%
Deputies	257	181	76	30%
Histadrut Convention (Delegates)	1154	946	208	18%
Executive Committee of the Holding Co	22	20	2	9%
Secretaries of the Labor Councils	65	63	2	3%

7. 1. 1. Resolution Securing Equal Representation for Women

In January 1995 an important resolution was passed in the Histadrut Convention. This resolution added a provision to the articles of association of the Histadrut which demands that in every Labor Union there shall be at least 30% women. In addition, the same shall apply to all Workers' Committees.

7. 2. Workers' Committees and Labor Councils

At present, 10% of all workers' committees are headed by women, and 17% of the workers' committees membership is comprised of women. There are currently 3 women secretaries of Labor Councils, 2 women deputy-secretaries of Labor Councils, and 20 women secretaries of Labor Unions. Women hold managerial positions in many Labor Councils: there are presently 4 community welfare managers, 1 educational manager, 13 treasurers, 18 community managers, 3 absorption committee heads, 3 youth committee heads, 4 consumer committee heads, 10 cultural committee heads, 8 senior citizens committee heads, 19 accountants and one spokeswoman. Altogether, there are 530 women out of 1028 overall serving in labor councils, constituting 51% of those serving in labor councils.

8. The Judiciary

The percentage of women in the judiciary is extraordinarily high compared to other areas of public life. In all the different courts (Supreme Court, District Courts, Magistrate Courts, Labor Courts) there are 146 women judges and 229 men judges. In other words, women constitute **40%** of the judiciary in Israel.

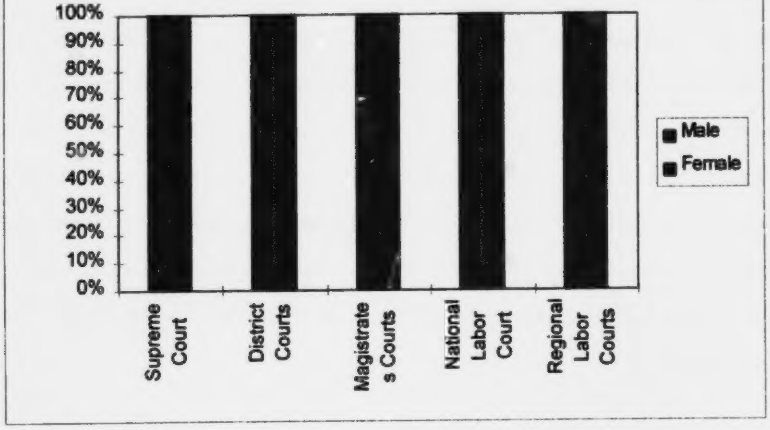
Table 5 - Judges, by Courts

	Female	Male	Total	% of Women
JUDGES				
Supreme Court	3	11	14	21%
District Courts	23	67	90	26%
Magistrates Courts	87	121	209	42%
Traffic Courts	14	15	29	48%
National Labor Court	1	3	4	25%
Regional Labor Courts	18	12	30	60%
REGISTRARS				
Local Courts	28	22	50	56%
Regional Labor Courts	9	2	11	82%

Source: Central Courts Administration

/...

Chart 3 - Percentage of Woman and Men Judges in Various Courts



Women's relatively large representation in the judiciary is also evidenced in the public sector of the legal profession. The present State Attorney is a woman. Her predecessor was the first woman to serve in this role and was later appointed to the Supreme Court. Four out of the five District Attorneys are women. In the District Attorneys offices, there are 207 women lawyers compared to 126 men, and 237 women public service attorneys compared to 115 men.

9. Representation in Religious Bodies

9. 1. Rabbinical Courts

The **Religious Judges Law - 1955** and the **Druse Courts Law - 1962** have been interpreted by Jewish, Muslim and Druse religious leaders to mean that only men can serve as judges in these courts. Consequently, Israel has expressed its reservation with regard to Article 7(b) of the Convention concerning the appointment of women to serve as judges of religious courts.

9. 2. Municipal Religious Councils

In recent years, changes have taken place in the representation of women in religious bodies. Following two landmark Supreme Court decisions in 1988, women were granted the right to participate in the committee for selection of chief rabbis and the right to participate in municipal religious councils. In *Poraz v. Tel Aviv Mayor*, the Supreme Court allowed women to participate in the committee for the selection of the Tel Aviv chief rabbi, emphasizing that exclusion of women from serving on political committees which deal with religious matters constitutes discrimination and is therefore void. In *Shakdiel v. Minister of Religious Affairs*, the Supreme Court granted Leah Shakdiel the right to be elected to the religious council of the city Yeruham in southern Israel.

Despite this landmark decision, which opened the doors to women who wished to serve on municipal religious councils, the number of women on municipal religious councils remains small. Out of 139 religious councils, only 12 councils include a woman. Almost a decade after the Supreme Court decision, women still have great difficulties in getting elected to municipal religious councils.

10. Government Corporations

As explained in Article 4 above, an amendment to the **Government Companies Law 1975** was passed in 1993 which requires equal representation of both sexes in the board of directors of every government corporation. Furthermore, the amendment demands that in order to promote the goal of equal representation, the Ministers shall appoint directors from the less-represented sex until such equality is achieved.

A public committee, headed by a District Court Judge, was established to oversee the implementation of this amendment. The committee discovered that in most government corporations there were no female directors. Thus, the committee's main function has been to "remind" all government agencies of their duty, in accordance with the amendment, to appoint female directors to government corporations where openings are available.

This amendment came under judicial review when two government corporations, Israel Ports and Trains Authority and Israel Refineries, appointed two men to the board of directors, in each of which there were no women. The Supreme Court decided that these appointments were invalid because they disregarded the amendment. Justice Matza, delivering the opinion of the Court, justified the use of affirmative action in light of the conspicuous inequality of women representation in government corporations. Justice Matza relied on **Basic Law: Human Dignity and Liberty**, claiming that equality is an inherent attribute to a person's dignity. A more detailed description of the decision is found under Article 4 above.

According to a research conducted in 1996, this amendment's effects have been felt in 68% of government corporations. Still there are 18 corporations (16%) in which there are no women directors. In 12 corporations (11%) the number of women remains the same as it did in 1993, the year the amendment was passed. But there has been progress in many corporations: in 48% of those where there were no women directors in 1993, women have since been appointed as directors. In 21 corporations (18.9%) where women served as directors in 1993, there has been a significant increase in their number.

Although the amendment has caused a substantial improvement in women representation, progress remains to be done since in the majority of government corporations women still constitute **less than 30 % of the directors**.

11. Women's Political Activism

The involvement of women in extra-parliamentary political activity has been aimed at influencing the decision making process from the grassroots level. The focus of these groups has been organizing demonstrations, rallies, peace marches and other activities aimed at influencing public opinion.

In 1977 the peace movement known as **Shalom Achsav** (Peace Now) was established with the aim of pressuring the Israeli government to consider constructive peace proposals. Although many women participated in the activities of this movement it was not an exclusively a women's movement.

Many women have linked their broader political involvement with feminist political strategies. In 1982, after the Peace for the Galilee Operation in Lebanon, some fifty women, and a few men, joined together under the name "**Parents against the Silence**," to collect signatures and sign petitions calling for the withdrawal of Israeli troops from Lebanon. Another group called "**Women against the Invasion of Lebanon**" was formed consisting of feminist activists who demanded the immediate withdrawal of the troops from Lebanon.

/...

After the Lebanon War ended, this group continued to operate under the name "**Women against the Occupation**." They protested the conditions under which Palestinian women were held in Israeli prisons.

After the Palestinian uprising (*intifada*) broke out in December 1987, a women's peace movement was formed which protested the military policy in the occupied territories. The group, called **Women in Black**, gathered every Friday afternoon wearing black at a central square in Jerusalem to mourn the victims of violence and called for the end of the occupation. Later this form of demonstration spread to 33 other locations in Israel. The Women in Black became an embodiment of peaceful protest which was widely imitated around the world.

Another peace group which was formed in Haifa was called **Women for Women**. This organization also demanded the end of the occupation and for the recognition of a national right to self-determination for the Palestinian inhabitants of the West Bank and Gaza Strip.

The **Women's Organization for Political Prisoners** (WOFPP) was founded in 1988 and focused on the fate of individual Palestinian women who had been imprisoned. The **WOFPP** continually brought human rights violations in military jails to the attention of the Israeli public.

All of the women's peace groups and activities have been guided by a desire to establish and institutionalize a Palestinian-Israeli dialogue. For this purpose, many joint conferences and demonstrations were held, and meetings between Israeli and Palestinian women were based on the assumption that concerned women could eliminate prejudices in personal conversations. The women's peace movement also managed to attract the attention of the Israeli population at large by organizing large-scale events and conferences which were open to the public. Thus, the peace initiative of the government headed by the late Yitzhak Rabin in 1993 can be partly attributed to the efforts and continued protest of the women's peace groups.

The efforts of Israeli women to join and influence the peace process continued after the Oslo Accords were signed in September 1993, when the **Jerusalem Link** was founded. The Jerusalem Link comprises a coordinating committee of two women's centers, independent of each other, one Jewish in West Jerusalem, "**Bat Shalom**" (Hebrew for Daughter of Peace), and the other Arab in East Jerusalem, "**Jerusalem Center for Women**". They organize joint demonstration against human rights violations in Israeli jails and organize drives to collect signatures. Both organizations are concerned with promoting feminist ideas both in the Israeli and Palestinian public.

Another women's group called **Association of Women for Peace** was formed since the signing of the Oslo Accords. The association holds meetings of Israeli and Palestinian women, and its goal is to strengthen the peace process and to facilitate the implementation of the Interim Agreement between Israel and the Palestinian Authority.

Since the Oslo Accords, a right-wing women's group was formed in protest against Israeli concessions in the peace process. This group, called **Women in Green**, derives its name from its rival **Women in Black**. They participate in demonstrations which oppose the withdrawal of Israeli forces from the occupied territories, and protest the Israeli willingness to give up territory in exchange for peace.

12.Women in the Security Forces: Military and Police

12. 1.The Legal Framework

The **Defense Service Law-1986**, which replaced the 1949 version of the law, mandates service in the military for both men and women, while differentiating between the sexes regarding their conditions of service. Article 1 of the law states that the law applies to men between the ages of 18 and 54, and to women between the ages of 18 and 38. Gender-based differentiation is also made as regards the length of mandatory service in the Army, the extent of reserve duty obligations, voluntary service, and exemptions. According to the above law, women are exempt from mandatory service if they are married, pregnant, or mothers. In the very first years of the State, Prime Miniser Ben-Gurion made a political arrangement with the leaders of the ultra-orthodox community in Israel, whereby young men would be allowed to postpone or cancel their service in the army in order to study in religious academies. While this arrangement continues to be utilized today, its application is restricted to a narrow segment of the population. The **National Service Law, 1953** provides what may be seen as a parallel arrangement for young women who, for religious or conscientious reasons, are reluctant to serve in the Army. According to the **National Service Law, 1953**, a woman may substitute military service with two years of national service. This provision, however, is not strictly enforced. As will be shown below, the percentage of women who do make use of the various exemptions is significantly higher than that of men.

The **Defense Service Law** itself does not differentiate between the duties that may be assigned to men and those which may be assigned to women. In practice, however, IDF policy has generally been to discourage and forbid women soldiers from serving in combat positions.

12. 1. 1.The Miller Case

Until 1956, a number of women served in the Air-Force as pilots of carrier planes. Later, the decision was made that training women as fighter pilots only to employ them as pilots of carrier planes was not cost-effective, especially given their relatively short terms of service. Since then, and until 1995, there was only one instance of a woman being accepted as a pilot trainee.

In 1995, the Supreme Court decided in the landmark *Alice Miller* case that the IDF could not claim logistical and budgetary constraints as justifications for excluding women from serving as pilots in the Air-Force. Relying on the **Defence Service Law, 1986**, the Army argued that the shorter mandatory service required of women, together with their more limited reserve-duty obligations and exemptions for pregnancy and childbirth, interfered with the ability of the Army to make efficient use of the resources and funds invested in the training of each individual pilot. In three separate majority opinions, the Court rejected this line of reasoning, holding instead that the principle of equality required the Army to overcome such obstacles and accommodate the natural biological needs of women, just as it would the natural needs of men. As Justice Matza stated: "Even if the assumption were that the average total contribution of the female pilot--from the point of view of length and continuity of service-- were less than that of the male pilot, this is a difference resulting from the very fact that she is a woman. This difference may not be held against her, and it can be dealt with logistically." Justice Matza, finding for Miller, suggested the Army conduct a trial period during which it would admit a limited number of female pilots and determine whether, in fact, such admission presented insurmountable obstacles.

The Army has since taken steps to implement the Alice Miller decision. Two classes of women candidates have begun the pilot training course, and guidelines have been established to adapt army policy regarding women's service to the potential reality of women combat pilots. The guidelines include provisions requiring women pilot candidates to volunteer to serve additional time and perform reserve duty, logistical arrangements regarding sleeping arrangements, and instructions regarding the event of pregnancy. They similarly provide that despite the general policy according to which the Commanding Officer (CO) of the Women's Corps has exclusive jurisdiction over women serving in the IDF (discussed below), women pilot candidates are to be subject to the jurisdiction of their course commanders. Perhaps most importantly (in light of the army's general policy regarding women in combat), the guidelines provide instructions whereby women pilots will perform combat duties or duties in hostile territory according to the decision of the CO of the Air Force, under the advisement of the Chief of Staff.

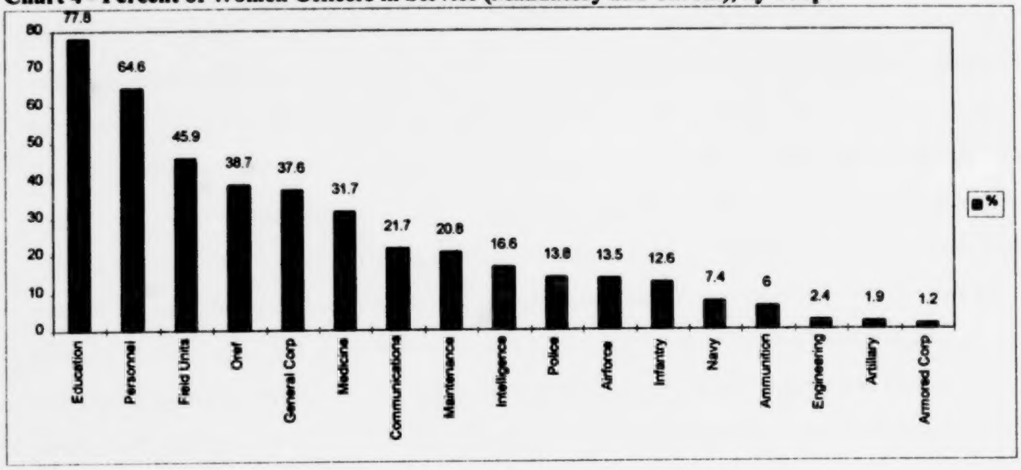
12. 2. Women and Men in the Military--Some Data

Approximately 42% of all conscripted soldiers in 1996 were women. While approximately 68% of draftable women were conscripted in 1996 (the remaining 32% receiving exemptions of one form or another), 83.3% of draftable men were enlisted.

12. 2. 1. Women and Men Officers

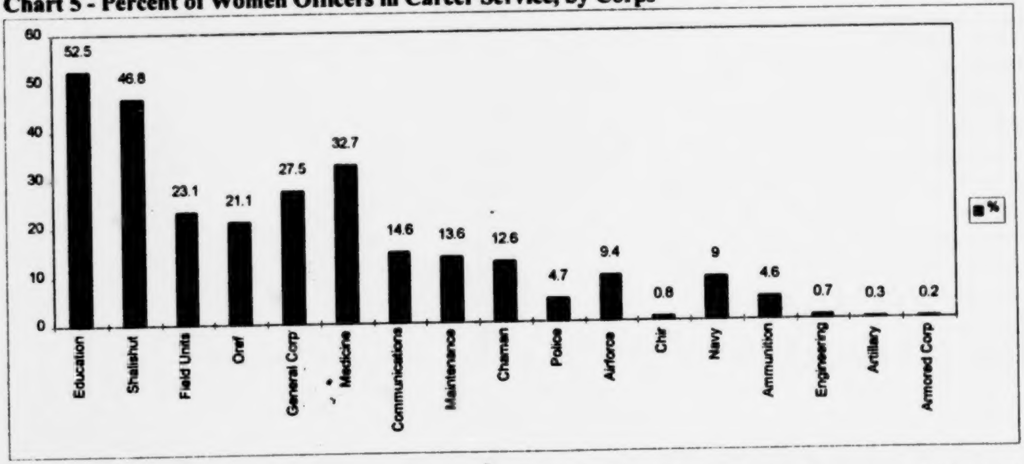
The graph below compares the 1995 proportion of women officers during mandatory service to the total number of officers, as distributed among the various corps.

Chart 4 - Percent of Women Officers in Service (Mandatory and Career), by Corps



Thus, the greater the combat component, the smaller the proportion of women officers. The graph below presents the same breakdown, this time for women career officers. It may be noted that in no corps do women constitute significantly more than half of the total career officers:

Chart 5 - Percent of Women Officers in Career Service, by Corps



Because women do not serve in combat positions, they are excluded from the upper echelons of the military hierarchy and confront a classic "glass ceiling" in their efforts to advance professionally. As can be seen from the table below, there were only nine women at the rank of

Colonel in 1985 and still only 11 in 1995, two of which served in *Chen* (the women's corps). In contrast, there was a significant increase in the proportion of women officers up to the rank of lieutenant colonel resulting from pressure from women wishing to move up the hierarchy and supported by the CO of Chen, as well as from the military's increased recognition of women's competence. It should also be noted that in 1995 women constituted two thirds of the second lieutenants, the lowest officer rank. The higher proportion of women junior officers among those in compulsory military service is explained by the profile characteristics of the women conscripted and the type of jobs women do. Women are recruited at what in military terms is defined as a significantly higher "quality-score" floor than men, and men with a high quality-score profile are more likely to be assigned to combat than to officer roles (Izraeli, 1997). Consequently, proportionately more women than men qualify to be officers and more are used in jobs of officer rank--mainly in the Personnel Corps. Furthermore, the proportion of women among Second Lieutenants has increased significantly in the last decade, as jobs done by women or to which women were transferred, primarily in the Personnel Corps, were upgraded from Non-Commissioned Officer to junior officer, resulting in an increase in the total number of officer roles at the lowest ranks:

Table 6 - Proportion of Women Among Officers, and Distribution of Officers by Gender and Rank

	1985	1995	1995	
Rank	% Women	% Women	Women	Men
Major General	0	0		
Brigadier	0	0		
Brigadier General	0	0.8		
Colonel	1.5	2.2	2	1.8
Lieutenant Colonel	4.6	10.3	2.5	10.4
Major	13.6	21.2	14.1	25.7
Captain	12.1	22.5	12.4	20.9
First Lieutenant	15.3	37.3	32.7	26.8
Second Lieutenant		66.6	35.5	8.7
Civilians Employed by Military		18.4	2.6	5.5
Total		32.8	100%	100%

Source: IDF Spokesman

The following table shows the differences between men and women regarding the amount of time each serves in their rank before being promoted. At all levels, women must invest significantly more time before they are promoted to higher ranks. The graph differentiates between the General and Personnel Corps on the one hand, in which there is a relatively high participation of women, and "the rest" of the IDF, including combat related fields on the other, where women's presence is far less marked:

Table 7 - Average Seniority (in months) Before Promotion- Women as Compared to Men

	General Army + Personnel		Rest of IDF*	
Advancement	Women Officers	Men Officers	Women Officers	Men Officers
Lt. Colonel- Colonel	135.2	79.9		78.1
Major- Lt. Colonel	90.1	75.4	101.4	69.7
Captain- Major	49.6	48.5	50.4	48.6
First Lt.- Captain	40	31.9	37.9	31.4

* Including Male Combat Positions

Source: IDF Spokesman

To round out the picture, the following table delineates the average age at which women receive their promotions, as compared to their male counterparts.

Table 8 - Average Age of Receiving Promotions

	General Army + Personnel		Rest of IDF*	
Advancement	Women Officers	Men Officers	Women Officers	Men Officers
Lt. Colonel- Colonel	48	40.1		39.4
Major- Lt. Colonel	35.4	35.9	37.3	35.3
Captain- Major	28.5	30.4	29.1	30.1
First Lt.- Captain	23.7	24.2	24.6	24.9

* Including Male Combat Positions

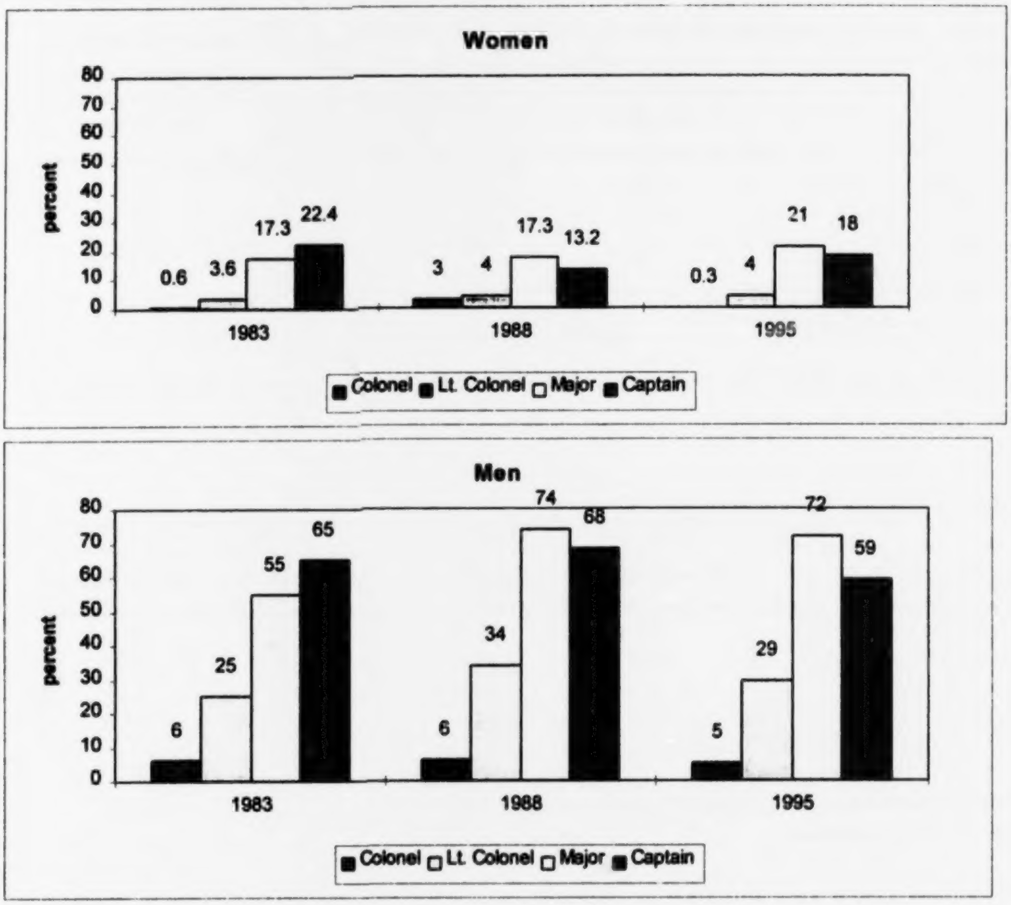
In 1995, a total of 3 officers were granted the title of Colonel.

One of them received her title at an advanced age.

Source: IDF Spokesman

The charts below compare the relative chances of men and women to be promoted at various levels of rank, in 1983, 1988, and 1995.

Chart 6 - Relative Chances of Reaching High Ranks



12. 2. 2. Distribution of Men and Women among Jobs in the Military

In recent years, more jobs have opened up to women in the army. In 1976, according to the abovementioned Commission on the Status of Women (1978), 210 out of 709 jobs were open to women, but women actually served in about half of those. Approximately 70% were in clerical positions. In 1988 women served in 234 of the approximately 500 jobs open to them. In 1996 they served in 282 of the 447 jobs open to them, while 178 were classified as combat positions and were closed to women. We can thus see that many more opportunities are open to women today than in the past.

/...

The scope of this change, however, is significantly limited by the exclusion of women from combat roles. While the **Defense Services Law, 1986** no longer differentiates between men and women as regards the jobs which they are permitted to perform in the army, IDF policy continues to exclude women from combat positions. A differentiation should be made between positions which actually involve combat--which are closed to women--and non-combat positions in combat fields, which are open to women. Thus, for example, women may serve as instructors for jobs that are in fact combat jobs, but they are not allowed to perform those duties in the field. A third category involves jobs performed in combat areas. Combat areas are in principle also closed to women, unless specific approval has been granted. No women today, for example, serve in Lebanon, regardless of the actual content of the duty they perform. Women do perform non-combat functions in the West Bank and Gaza. In addition to the actual combat positions which are closed to women, various positions, while not actually involving combat, have traditionally been viewed as requiring previous combat experience and have thus been closed de facto to women as well. These include Chief Educational Officer, CO of Intelligence, CO of Personnel, Military Spokesperson, Chief Medical Officer, Chief Mental Health Officer, Chief Military Prosecutor, and President of the Appeals Court. The exclusion of women from these high-ranking positions has been criticized as withholding from women what could be an alternative route to leadership.

The use of women instructors for combat units was introduced in the early 1980's and has become relatively accepted. Between 1983 and 1993, women's representation among instructors grew by over 400%. Serving as an instructor for men-only units is therefore among the most prestigious jobs open to women. It should be pointed out, however, that the actual number of women instructors relative to male instructors remains low. The following table presents the breakdown of jobs held by women in the army, as compared with men:

Table 9 - Distribution of Conscripts by Gender and Job Category (1995)

Job Category	Women	Men
Quality	32.6	13
Maintenance/ Administration	39.1	18
Officers	6.4	4.6
Combat Instructors	4.6	19.8
Technical	1.7	18.1
Drivers	1.9	8.8
Not Yet Classified	13.7	17.5

Source: IDF Spokesman

/...

A look at the composition of mixed courses for various jobs in the army shows the extent to which certain jobs are still considered "feminine," while other, relatively prestigious non-combat jobs, have become gender-neutral. Over 90% of participants in personnel and education-related NCO courses are women. On the other hand, courses for computer operators, air photo decoders, field security personnel, and flight supervisors have basically equal representations of both men and women:

Table 10 - Breakdown of Courses

Name of Course	No. per Year	Men	Women	Mixed	Total Students	Total Women	%	Total Men	%
NCO Personnel Planning	7	0	5	2	246	224	91	22	9
Coordinator Field Education	12	0	7	5	803	764	95.1	39	4.9
NCO Training	10	0	10	0	616	615	99.8	1	0.2
Computer Operator	3	0	0	3	154	78	50.6	76	49.4
Decoding Airial Photos	1	0	0	1	25	12	48	13	52
NCO Field Security	1	0	0	1	19	8	42.1	11	57.9
Flight Supervision	2	0	0	2	40	21	52.5	19	47.5

Source: Office of CO, Women's Corps

In certain areas, such as the technical branches, women's participation remains low despite the willingness of the army to accept women into such positions. This is mainly due to the fact that few women who are enlisted in the army have the pre-army training necessary to effectively fill these positions, and their short service makes it cost-ineffective for the army to specifically train them for these positions. As the technological services are among the most essential in the IDF, the lack of women's participation in this area of the army, together with their exclusion from combat and their exemption from reserve duty, mean that women are effectively absent from three of the most significant branches of the army. The army has recently become involved in various projects in conjunction with civilian industrial bodies, designed to encourage women to enter technological fields.

One project, which has not yet been implemented, aims to encourage 9th grade girls to enter technological areas of study in high school, the assumption being that they would then continue working in these fields both in the army and after. Another program aims to encourage women finishing high school to postpone their army service while obtaining a degree in one of the technological fields, and then serve in the army in a position connected to what they have studied. This is part of a general program, called the *Atudah*, which enables men and women to postpone their army service while completing their studies beforehand. Women who join the *Atudah* program have a higher chance of actually performing their army service in their specialized area of study than do men, since men's ability to do so is subject to the army's need for combat soldiers.

12. 3. Interaction Between the Military and Civilian Life

Various researchers have referred to the paradoxical effect of the military on Israeli women's status (Izraeli 1997). On the one hand, Israel prides itself on being the only nation in the world where women, like men, are conscripted for mandatory service in the military. Given the importance of the army in Israeli society, this represents a mark of gender equality. However, military service for most women is quite different than it is for men. While a certain amount of progress has been made in the last decade regarding the improvement of women's status within the army, and while more and more jobs have been opening up to them, women continue to be excluded from combat positions. Thus women remain excluded from the upper echelons of the military leadership.

In order to understand the impact of this dynamic upon the status of Israeli women, it is necessary to understand the social and political significance of the army in Israel. As a country preoccupied with security concerns, Israel has been forced to invest a tremendous amount in the military, both financially and socially. The army is therefore one of the most important public institutions. Sociologists have pointed out the role that has been assigned to the army as a major source for the formation and recruitment of the political, and to a certain extent, economic elite (Izraeli, 1997; Yishai, 1997). It is an important channel for political recruitment and a recruitment pool for civilian managers in business and industry. It also serves as an educational and socializing agency and provides a source of personal identity as well as of national pride and identification.

As sociologists assert, the role of women within the army, therefore, has tremendous consequences for their status outside the army. The fact that no woman possesses rank over Brigadier General and that only men are found at the top echelons of the IDF, essentially means

/...

that it is only men who define and detemine issues of national security. (Izraeli, 1997). As prestigious combat positions are virtually the only avenue to the most senior positions in the professional army, and the symbolic rewards and glory associated with them, women's exclusion from combat units means their exclusion from the top ranks of the army.

A recent study by Professor Izraeli shows that in some cases, the link between military and civilian success has even been institutionalized. For example, El-Al, Israel's national airline, recruits its pilots exclusively from the military. While this policy is currently being challenged in the Labor Court on the basis of the **Equal Employment Opportunies Law-1988** (see Article 2), and while women are currently being trained as IDF pilots, this restriction has meant that women can never be hired as El-Al pilots.

12. 4. The *Chen*--Women' Corps

Today, all women enter the army through the "Women's Corps" (called in Hebrew by the acronym *Chen*). The Women's Corps was created during the War of Independence and was based on a compromise between two competing models--the "Palmach" model, in which men and women served in mixed units, and the English model, in which women served separately in an auxiliary unit. There is no "Men's Corps" in the army, and all other corps are identified by their respective functions. *Chen* has formal responsibility for all women soldiers with regard to military training (including officer training), job assignments, discipline and judicial matters, as well as welfare and well-being, including protection from sexual harassment. Since 1983, *Chen* has had a Women's Corps Social Worker, whose job it is to assist women soldiers in handling their unique problems, including how to proceed if pregnant, how to manage various sexual issues, and how to deal with problems of sexual harassment.

Until 1987, the rank of the CO of *Chen* was that of Colonel. Only after intensive public pressure from women's organizations and women members of the Knesset, was the rank raised to that of Brigadier General, one rank below the CO of Personnel. Since the highest ranking woman in the IDF is a Brigadier General, and since there is only one woman of that rank, no woman is of high enough rank to participate in the meetings of the General Staff on a regular basis. The CO of *Chen* reports to the Chief of Personnel and may advise the Chief of Staff on matters of specific relevance to women. Until very recently, the CO of *Chen* was rarely consulted on matters of general relevance to women. For example, she was not party to the relevant decisions to cut women's military service from 24 to 22 and then 21 months.

Until the mid 1970s, the gender regime of the military, like most other aspects of the IDF, was not open to public critique. A number of social and political developments in the 1970s paved the way for a greater awareness of women's problems in and regarding the army, and in 1978 the report of the **Prime Minister's Commission on the Status of Women** challenged the prevailing myth of gender equality. The most direct frontal attack on the gender practices of the military, however, came from hearings conducted in the Knesset standing Committee on the Status of Women (1992-1996) and from the 1995 Alice Miller case (mentioned above).

12. 5. Sexual Harassment in the Army

While the army has begun to recognize and deal with the problem of sexual harassment, its handling of the issue has been criticized by women's groups for focusing on treatment and guidance for the victims or potential victims, rather than on educating the men soldiers and commanders to behave properly. In the IDF, as in the civilian sector, it is lives of the women complainants which are disrupted by their coming forward, rather than those of the sexual harassers; the preferred solution in fact being to transfer the complainant to another base rather than to suspend the man.

All women soldiers who are conscripted into the army are provided with information about sexual harassment and about the options available to those who experience it. They are encouraged to view harassment as the fault of the perpetrator and to come forward and report the incidents. Confidentiality is ensured, and the soldier's right to choose which one of the available services she turns to is emphasized (i.e. Women's Corps Social Worker, Military Police, Women's Corps CO, immediate commander, etc.). Various services, such as a hotline for sexual harassment complaints and a program in which victims of sexual harassment are provided with the counseling of a *Chen* officer, have recently been implemented. A comprehensive proposal for dealing with the phenomenon of sexual harassment in the army has recently been discussed, and the likelihood of its implementation is high. This proposal provides a broad definition of sexual harassment, emphasizing that it may be verbal or physical, and that it may involve explicit or implicit exploitation of authoritative position. It also obligates various officials to report to the military police all instances of physical harassment which come to their attention. Investigation by the police is then conditional upon the victim's consent and the Women's Corps Social Worker's assessment.

In 1994 the *Chen* Corps issued an internal report discussing the phenomenon of sexual harassment within the military, and found that most incidents of sexual harassment and indecent acts resulted only in absurdly low fines to be paid by the perpetrator. Recently, efforts have been made within *Chen* to ensure that punishments for sexual harassment reflect the severity of the damage caused to women soldiers who experience it, and in some cases sentences of 8 years imprisonment have been imposed. Similarly, the Personnel Division of the IDF recently decided to increase the severity of the punishments imposed and to ensure that any career soldier convicted of sexual harassment be discharged.

12. 6. Women in the Police

According to statistics of the Police Force of Israel, as of December 1995, women constituted approximately 18% of the Police (3583 women, as opposed to 16,490 men). While in 1995 women constituted approximately 25% of the applicants and only 12% of those who were eventually accepted, in the first part of 1996 (until May), women constituted 20% of the applicants and 20% of those who were accepted.

While the police force has no official policy regarding the areas within which women may serve, various positions either require army combat experience as a precondition for acceptance or indicate army combat experience as a preferred criterion. Given the policy of the IDF regarding women in combat, discussed above, this precondition effectively bars or hinders women from being able to serve in such positions.

In 1996 a petition was filed to the Supreme Court by several women applicants who felt that they had been discriminated against in their attempts to gain acceptance to the police force, and especially to what are considered "combat positions" within the force. In response to the petition, the Police decided to establish a committee to investigate the issue of women in the police force, and to reevaluate the policies according to which acceptance into its various branches is determined. The petition has not yet been decided by the Court.

/...

ARTICLE 8

International Representation and Participation

State Parties shall take all appropriate measures to ensure to women, on equal terms with men and, without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

1. General

Women in Israel represent the Government on an international level, however the current numbers of women serving in this capacity are not yet equal to that of men. The present level of women's participation in the foreign service can be seen as a reflection women's overall position in the Israeli labor market, particularly in the civil service.

2. Details on Women's Representation

The following table shows the number of men and women in the foreign service.

Table 1 - Representation in the Foreign Service

Home Office				Abroad			
	Men	Women	% Women		Men	Women	% Women
Diplomatic Status				**Diplomatic Status**			
Senior Ranks				*Senior Ranks*			
Ambassador	56	1	2%	Ambassador	14	1	7%
Minister	30	2	6%	Minister	45	-	0%
Minister Counselor	13	19	59%	Minister Counselor	54	6	10%
Junior Ranks				*Junior Ranks*			
Counselor	45	29	39%	Advisor	41	16	28%
First Secretary	29	40	58%	First Secretary	36	14	28%
Second Secretary	8	16	67%	Second Secretary	51	14	22%
Adminstrative Status							
Deputy Director General	13	-	0%				
Sub-Department Heads	9	3	25%				
Division Heads	58	14	19%				

Source: Ministry of Foreign Affairs

In 1996, 55 men and 21 women were recuited to the foreign service which indicates some improvement in women's representation.

Chart 1 -Percentage of Women New Recruits- Through the Years

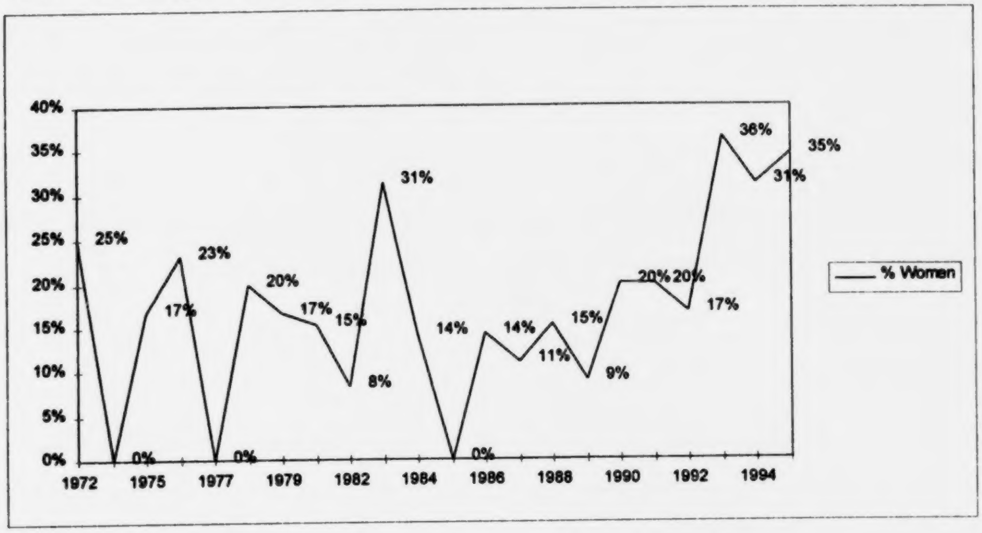


Table 2 - Number of New Recruits Through the Years

Year	Total	Men	Women
1972	4	3	1
1973	9	9	-
1975	6	5	1
1976	13	10	3
1977	10	10	-
1978	10	8	2
1979	6	5	1
1981	13	11	2
1982	12	11	1
1983	16	11	5
1984	7	6	1
1985	9	9	-
1986	21	18	3
1987	9	8	1
1988	13	11	2
1989	11	10	1
1990	15	12	3
1991	20	16	4
1992	18	15	3
1993	22	14	8
1994	45	31	14
1995	52	34	18

Source: Foreign Ministry

While there is no formal affirmative action policy in the foreign service, two years ago a decision to correct the discrimination in the numbers of women as heads of missions (which currently stands at 91 men and 9 women) was made, and a commitment to reach at least 50% female representation within ten years was taken. Of the 9 women heads of missions, 4 are political appointments (as are 7 of the 91 men).

3.Women Representatives to International Organizations

Israel has representatives in three of the Human Rights conventions of the UN: Convention on the Elimination of all Forms of Discrimination Against Women - Dr. Carmel Shalev; Convention on the Rights of the Child - Deputy Attorney General Yehudit Karp; and Convention on Political and Civil Rights - Prof. David Kretchmer. The first two are women.

Among the representatives to the Peace Talks with the Palestinians, the percentage of women varies. For the most part, there are no women in high level positions, although at the middle working levels they are fairly represented. This is partly a result of the fact that the talks are run mainly by representatives of the army or by former army officials.

ARTICLE 9 Nationality

State Parties shall grant women equal rights with men to acquire, change, or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

States Parties shall grant women equal rights with men in respect to the nationality of their children.

1. Citizenship

The **Nationality Law-1952** states that Israeli nationality is acquired in one of the following ways: through **The Law Of Return-1950;** residence in Israel; birth or naturalization. Israeli citizenship laws do not differentiate between men and women. Both genders have equal rights in regard to acquiring, changing or retaining their nationality. Neither the change of nationality by one member of a couple nor marriage to a non-citizen has any effect on one's citizenship. According to the laws relating to citizenship acquired by birth, both the father's and mother's citizenship carry equal weight.

According to **The Law of Return**, Jews and their relatives may acquire citizenship upon arrival in Israel. The law defines a Jew as either someone born to a Jewish mother, or a convert, and excludes Jews who have converted to another religion. The familial relationship required to determine Jewishness under **The Law of Return** is quite lenient and reaches back three generations. Its leniency is reflected in the fact that even one married to a grandchild of a Jew is entitled to acquire Israeli citizenship through **The Law of Return**.

In addition, other sections of **The Nationality Law** illustrate the identical rights available to both men and women. Section 7 states that the spouse of an Israeli national who has applied for citizenship through the naturalization process and who meets all the necessary requirements may obtain citizenship through naturalization even if he/she does not meet the necessary requirements. Furthermore, Section 8 of the law states that naturalization also confers Israeli citizenship on the minor children of the naturalized person who were residents of Israel or the occupied territories at the time of his/her naturalization. However, if the minor was a citizen of another country, and both parents were entitled to custody, but only one went through the naturalization process, the child will not obtain citizenship if one parent declares that he/she is against his/her child becoming an Israeli citizen. In any case, these provisions do not differentiate between the parents at all on the basis of gender.

A 1980 amendment to **The Nationality Law** illustrates the effort that Israeli legislators put forth to avoid discriminating against women. In section 4 of the 1952 version of the law. It states that where one is born after ones father's death, it shall be sufficient that the father was an Israeli citizen at the time of his death in order for him/her to acquire Israeli citizenship. Following the amendments this section speaks of the situation where one is born after the death of either parent. Although practically this amendment seems superfluous, it represents a legislative attempt to create total gender equality within Israeli citizenship laws.

According to **The Passport Law 1952**, any Israeli citizen is entitled to a passport upon request. Furthermore, in section 3 it states that a minister may allow a child under the age of seventeen to obtain a joint passport with either one of the minor's parents. There is no distinction between the parents in either acquiring an independent passport for a child or in acquiring a joint passport. Under regular circumstances the passport is obtained upon the request of one parent. However, when parents are divorced or due to other exceptional circumstances, the agreement of both parents are necessary. In addition, since there are no restrictions on women's rights to travel, Israeli lawmakers felt it unnecessary to protect these specific rights in the law. Once again, the Israeli law in this area provides for equal and identical rights for both men and women.

2. Residency

According to section 2 of the **Entry into Israel Law -1952**, entrance and residential visas are issued based on the discretion of the Minister of Interior. The visas are issued according to the policy set by the Ministry of Interior. According to the existing policy, visas are given to spouses of permanent residents of Israel on the basis of family unity, subject to security and other limitations, and are distributed equally to both female and male spouses.

Regulation 12 of the **Regulations on Entry into Israel** states that the status of a child born in Israel but who is not a citizen is determined according to his or her parents' status. If the parents have different status, the child receives the status of the father or a guardian, unless the mother objects in writing. In such a situation, the child will receive the status of the parent as decided by the Minister of Interior. Due to the inequality in this regulation, the current practice, is to skip the first stage and decide the status of the child based on the parents' request. A child will be registered as a permanent resident upon the request of the parents, after proving that the central components of the family's life are in Israel.

/...

ARTICLE 10 Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas n educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

d) The same opportunities to benefit from scholarships and other study grants;

e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

f) The reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;

g) The same opportunities to participate actively in sports and physical education;

h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

1.General and Legal Introduction

The Israeli educational system consists of kindergartens; elementary schools; secondary schools (vocational and general), which are sometimes divided into upper school and middle schools, teacher-training institutions, post -secondary schools for continued and vocational studies, colleges and universities. The school year is approximately ten months long, and the study week in elementary schools is between 30-35 hours. In addition to formal studies, there is an extensive range of extracurricular activities. The educational policy reflects the needs of Israeli society, including the absorption of immigrant students, the advancement of disadvantaged population groups and social and academic integration. The school system consists of two streams: State and State Religious. The State Religious system is autonomous with respect to pedagogic considerations and curriculum. The ratio of enrollment of Jewish students in the two streams is about 3/4 in the State system, to 1/4 in the State-Religious system. There are also independent "recognized" schools outside the State school system, most of which provide an ultra-orthodox Jewish religious education or Christian religious education. The independent "recognized" schools operate as non-profit organizations, financed by the government. The teachers who teach in those schools are not employed by the government, but rather by the schools themselves. The structure of the institutions and content of the studies in the non-Jewish sectors are analogous to those in the Jewish sector, with necessary differences that reflect the different languages and cultures of these populations. This Article will focus mainly on the Jewish schools within the State school system, which compose the majority of schools in Israel.

The Israeli education system is financed primarily by the central government and local education authorities. National expenditure on education has remained steady at 8.5% in recent years, but it is estimated that an increase in the prioritization of education will lead to an increase in the portion of the GNP allocated to education. According to the **Long School Day Law-1990**, which was passed under the initiative of the Knesset Committee on Education and Culture, and with the support of the Ministry of Education and of the social lobby in the Knesset, the duration of the school day shall soon be extended to eight hours. Although this law formally applies throughout the country, due to budgetary restraints, it has so far been implemented only in peripheral areas.

Through examining the legal basis of education within Israel, it is evident that the law provides equal opportunities for both men and women. According to **The Compulsory Education Law - 1949**, compulsory education is required for all children between the ages of 5 and 15. Education is provided free of charge through the age of 17, and for 18 year olds who have not yet completed the eleventh grade. In 1991 this law was amended and section 3B currently includes a prohibition against discrimination in acceptance, placement, and advancement of students. **The State Education Law-1953**, provides for a six day school week and determines the content and procedure of State education. It further states that State education is to be based on building society on the foundations of freedom, equality, tolerance, mutual assistance and love of mankind. It should be noted that this law applies only to State schools, and excludes independent "recognized" schools. The Minister of Education, however, is authorized, under the **The School Inspection Law-1968** to apply those educational goals to the independent "recognized" schools as well. **The Special Education Law-1988**, mandates special education for individuals between the ages of 3 and 21 whose capacity for adaptive behavior is limited and who are in need of special education. **The Council For Higher Education Law-1958** defines the tasks of the Council For Higher Education, which is responsible for accrediting and authorizing institutions of higher education that award degrees.

2. Illiteracy Rates and Educational Levels

An illiterate person is defined by the Ministry of Education as a person who has had less than four years of schooling. The table below illustrates that although the total illiteracy rate is higher among women, there has been much improvement in this area.

Table 1 - Population with 0-4 Years of Education

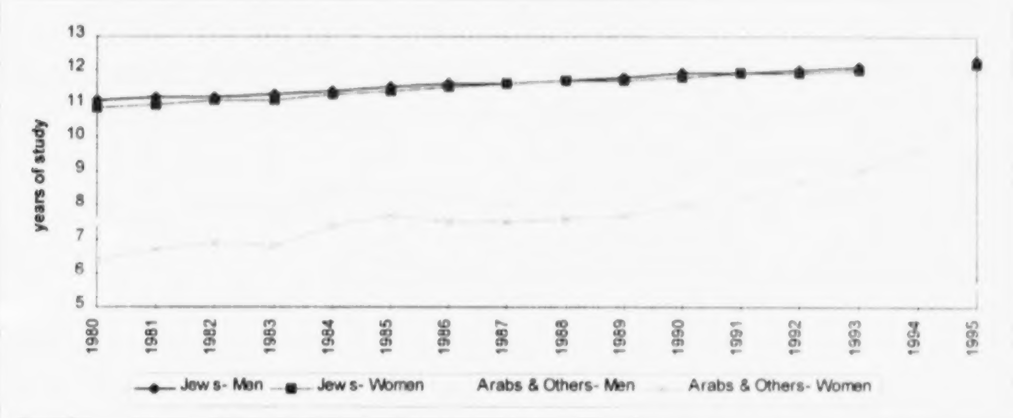
Jews				**Arabs and Others**			
Sex and Age	Thousands	Years of Schooling (percents)		Sex and Age	Thousands	Years of Schooling (percents)	
Women		0	1 to 4	**Women**		0	1 to 4
Total	1,681.30	4.3	2.1	Total	318.2	13.6	6.6
15-17	111.4	0.1	0.3	15-17	34.1	2	0.7
18-24	260.8	0.5	0.2	18-24	74.1	2.9	1.5
25-34	302.5	1	0.4	25-34	83.9	3.6	3.2
35-44	311.4	1.5	0.4	35-44	54.3	8.7	9.5
45-54	232.6	2.5	1.4	45-54	32.2	31.6	18.9
55-64	178.8	11.3	5.5	55-64	20.8	47	19.6
65+	283.8	13.3	6.7	65+	18.8	67.1	8.2
Men				**Men**			
Total	1,588.00	1.7	1.8	Total	315.7	4.1	5
15-17	118		0.2	15-17	35.7	1.6	1.3
18-24	271.2	0.4	0.4	18-24	76.4	0.9	1.1
25-34	307.9	0.7	0.5	25-34	83.9	1.1	1.4
35-44	302.2	0.8	0.4	35-44	53.2	3.1	3.4
45-54	219.8	1.5	0.8	45-54	32.1	5.1	10.7
55-64	156.6	3.6	4.4	55-64	19.5	13	23
65+	212.2	6.3	7.3	65+	14.9	34.6	24.5

Source: CBS, SAI 1996.

It is important to note that although the median years of schooling among Arab women is the lowest (9.7 years, as compared to 10.6 among Arab men, 12.2 among Jewish women and 12.3

among Jewish men), there is a steady increase in the educational level within the general Arab population, and when specific age groups are examined, within the group of Arab women.

Chart 1 -Median Number of Years of Study of over 15 year olds



Another indication of levels of education can be seen in the following table. The table illustrates that there is a somewhat low percentage of graduates of higher education. However, it difficult to gather an adequate understanding of the current percentages, since this table includes past, generations, when the education system was not as advanced.

Table 2 - Population Aged 15 and Over, and Last Educational Institute Attended, (percents)

in percents

	Academic	Post-Secondary	Secondary		Yeshiva	Primary and Inter-mediate	Did Not Attend School
			General	Vocational and Agricultural			
	GRAND TOTAL						
total	19.6	11.3	26	20.3	1.9	16.9	4
men	20.1	9.6	23.4	24.3	3.8	16.7	2.1
women	19.3	13	28.5	16.3		17.1	5.8
	JEWS						
total	21.8	12.4	24.6	23.1	2.2	12.9	3
men	22.1	10.4	21.1	27.6	4.5	12.6	1.7
women	21.6	14.4	27.8	18.8		13.1	4.3
	ARABS AND OTHERS						
total	8.4	5.9	33.5	5.7		37.6	8.9
men	9.8	5.6	34.4	8.4		37.7	4.1
women	7	6.1	32.7	3.2		37.6	13.5

Source: CBS, SAI 1996

3. High Schools in Israel

3. 1. Basic Description of the School System and the Opportunities Available to Students in High Schools

In order to understand the relevance of much of the statistics and research conducted, it is essential to have a basic knowledge of the Israeli education system, especially the somewhat complicated divisions within the post-elementary (secondary) schools. The first six years of schooling, from the age of 6 to 12, are conducted in elementary (primary) schools. The next three years (13-15) are spent in intermediate schools, and from the ages of 16 to 18, education takes place in high-schools. The Israeli secondary-education system is made up of both technological/vocational and general high-schools. Most of the students that take their matriculation exams study in the general schools. The students within these high-schools select, with the help of advisors, a certain track within which to matriculate. This is accomplished by choosing to study specific subjects on enhanced levels. Towards the end of the intermediate school, the tracking process begins. Researchers describe the process as beginning in eighth or ninth grade, when the students are placed with the direction of an advisor, in either the technological or general track. As of 1985, 43.6% of girls studied in the general track, while only 27.7% of boys studied in the general track. Students are able to study most subjects on a variety of levels, however, not every combination of subject and level is possible or available; in addition, in certain subjects, such as mathematics and English, a minimum required level of studies may be imposed by the school. Both boys and girls are able to learn the same subjects throughout elementary school and high-school. However, it is apparent that there are differences between the sexes regarding courses of study.

/...

3. 2. General and Technological / Vocational Tracking

Table 3 - Students in Technological Secondary and Post Secondary Education

	Practical Engineers	Technicians	Matriculation Levels A,B.	Certificate Levels C.D., N.T.T. (P.T.T.)	Prepara-tory classes	Total
GRAND TOTAL (thousands)						
Total	1,050	3,646	67,580	35,869	6,361	114,506
Machinery	173	784	6,291	7,619	958	15,825
Electricity and Electronics	665	1,614	11,372	5,401	565	19,617
Building and Architecture	141	161	1,811	560	28	2,701
Biotechnology	18	21	516			555
Industry and Management		161	794	10	14	979
Fashion			1,932	3,970	790	6,692
Beauty Care				1,255	158	1,413
Nursing and Paramedical		260	1,072	95		1,427
infant Education			636	948	44	1,628
WOMEN						
Total	151	893	30,855	16,816	2,730	51,445
Machinery	10	49	302	201	7	569
Electricity and Electronic	35	71	849	233	8	1,196
Building and Architecture	72	80	864	228	5	1,249
Biotechnology	10	13	180			203
Industry and Management		71	294		1	366
Fashion			1,875	3,820	777	6,472
Beauty Care				842	99	941
Nursing and Paramedical		223	957	95		1,275
Infant Education			595	918	31	1,544
TOTAL PERCENTAGES						
Total	0.9	3.2	59	31.3	5.6	100
Machinery	1.1	5	39.8	48.1	6.1	100
Electricity and Electronic	3.4	8.2	58	27.5	2.9	100
Building and Architecture	5.2	6	67	20.7	1	100
Biotechnology	3.2	3.8	93			100
Industry and Management		16.4	81.1	1	1.4	100
Fashion			28.9	59.3	11.8	100
Beauty Care				88.8	11.2	100
Nursing and Paramedical		18.2	75.1	6.7		100
Infant Education			39.1	58.2	2.7	100
PERCENTAGE OF WOMEN						
Total	14%	24%	46%	47%	43%	45%
Machinery	6%	6%	5%	3%	1%	4%
Electricity and Electronic	5%	4%	7%	4%	1%	6%
Building and Architecture	51%	50%	48%	41%	18%	46%
Biotechnology	56%	62%	35%			37%
Industry and Management		44%	37%	0%	7%	37%
Fashion			97%	96%	98%	97%
Beauty Care				67%	63%	67%
Nursing and Paramedical		86%	89%	100%		89%
Infant Education			94%	97%	70%	46%

Source: Current Briefings in Statistics

The table above depicts machinery or electronics as almost exclusively male subjects. It further shows building and architecture as subjects studied equally by men and women. Statistics reveal, as expected, that fashion and nursing/paramedics are clearly female dominated fields. Surprisingly, the majority of biotechnical engineers and technicians are women.

Table 4 - Matriculation Examinees and Percent Entitled to Certificates (Hebrew Education), 1993/94

	Boys	Girls
EXAMINEES		
Total	23,187	27,866
General	14,651	21,333
Technological/ Vocational	8,536	6,533
ENTITLED TO CERTIFICATES		
Total	14,130	17,887
General	9,771	15,307
Technological/ Vocational	4,359	2,580
PERCENT OF EXAMINEES ENTITLED		
Total	61	64
General	67	72
Technological/ Vocational	51	40

Source: CBS Education and Culture, Selected Data

3. 3. Matriculation Levels

In 10th grade, a gap in the math level between girls and boys becomes evident. Statistics show that in 1985 there was more than a 2:1 ratio of boys to girls in the five point math matriculation level. By 1992 there were no drastic changes in these results, but the ratio was reduced to slightly less than 2:1 (Amit 1993). It is essential to note that researchers show that the achievements of the girls before the division into levels, which is done in the 10th grade, are equal to or greater than the boy's achievements, and the gap is created only following the segregation into levels. Thus, girls tend to choose a matriculation level below their true abilities (Rom 1993). Researchers believe that the differences and gaps in the professions, levels, and achievements of the sexes are a direct result of the tracking system (Amit, Movshovitz- Hadar 1989). The tracking may limit one's access to certain areas in higher education and therefore effect the profession one will chose. Thus, many researchers contend that the tracking system only helps to amplify the inequality.

Table 5 - Matriculation Examinees, and Percent Entitled to Certificate, by Subject

	Total	Courses of Exams in Enhanced Subjects				
	Absolute Numbers	2 or More Scientific and 2 or More Humanities Subjects	2 or More Scientific Subjects	2 or More Humanities Subjects	1 Scientific and 1 Humanities Subjects	Undefined Course
		Percentages of 100				
Hebrew Education						
Total	36,659	11.9	22	43	6	17.1
Boys	14,651	13.4	28.3	34	7.1	17.1
Girls	21,333	11.2	18.2	50.3	5.3	15.1
Percent Entitled to Certificates in Each Cell						
Total	69	96	94	71	57	15
Boys	67	95	93	65	51	11
Girls	72	98	95	74	62	21

Source: CBS, SAI 1995

It is evident in the above table that approximately 2/3 of all matriculation examinees are girls, and that a higher percentage of girls have passed their matriculation exams. The table also illustrates that a higher percentage of male examinees took the matriculation exam with two or more scientific subjects, while a higher percentage of female examinees took the exam with two or more humanities subjects.

3. 4. Education Rates, Attendance Rates and Drop-Out Rates

Among the non-Jewish population, there has been a drastic decrease in the educational gap between the sexes. While in 1949, girls made up only 18.6% of the students in elementary schools, by 1979 they made up 46.9% of the students. However, in comparison to the Jews, non-Jewish education is still low. In 1995, the median educational rate among the Jewish population aged 15 and over was 12.2 years, as opposed to 10.2 years among the non-Jewish population. Jewish men's median educational rate was 12.3, a little higher than the Jewish women's rate of 12.2. Arab men's median educational rate was 10.6, quite a bit higher than the Arab women's rate of 9.7 However, among Arab youth the gap between the education level of boys and girls is diminishing. Statistics show that among Arab girls ages 15-17 the median educational rate in 1995 was even higher than that of Arab boys of the same age group, 10.6 years among the girls compared to 10.5 among the boys. The median rate among the 18-24 years old in the Arab sector was the same for men and women (11.6), and only among the older population group is the gap between men and women visible. Approximately 95% of the non-Jewish communities in Israel finish at least 8 years of education. The gap between the sexes that existed in Arab education has been bridged, and surprisingly enough Arab girls currently have a higher attendance rate (see table below).

As of the school year 1994/95, the attendance rates of 14-17 year olds in Jewish education revealed that 92.6% of boys and 99.6% of girls were continuing their education. Such post-elementary school attendance rates have increased dramatically within the past years, yet the gap between the sex has remained steady. As of 1994/95, the attendance rates of 14-17 year olds in Arab education revealed that 65.7% of boys and 69.2% of girls were continuing their education. This trend of continuing education is apparent through decreasing dropout rates. In Jewish education, there has been a decrease in the dropout rates from 20.4% in 1971/72 to 5.5% in 1991/92. In Arab education, drop-out rates have fallen from 25.3% in 1971/72 to 14% in 1991/92. There is, however, a problem with determining the dropout rate since there are no official statistics taken by the Ministry. It should be noted that the statistical data here is based on the amount of students that register for school, not the actual attendance rate.

Table 6 - Attendance Rates of 14-17 Year Olds, by Type of School and Religion

Rates per 1000 in respective group of population

	AGE 14-17		
	Girls	Boys	Total
Hebrew Education			
1969/70	707	631	668
1979/80	865	729	795
1989/90	957	855	905
1993/94	981	909	944
1994/95 Total	996	926	959
Primary Education	23	28	25
Post-Primary Education			
Intermediate Schools	177	180	178
Secondary Schools- Total	796	718	756
General	459	336	396
Technological/Vocational	337	382	360
Arab Education			
1993/94	675	652	664
1994/95 Total	692	657	673
Primary Education	19	22	20
Post-Primary Education			
Intermediate Schools	153	163	158
Secondary Schools- Total	520	472	495
General	404	341	372
Technological/Vocational	116	131	123

Source: CBS, SAI 1996

4. Talented and Gifted Children

The Minister of Education and Culture created a special Department to deal specifically with gifted children. The Ministry's express goal is to provide educational opportunities for gifted children which are suited to their special talents and skills, while adhering to the values of democracy and equality inherent in Israeli society. Some of the Department's activities include: testing gifted children throughout the country, establishing unique enrichment programs, and providing for in-service training and seminars for teachers of the gifted. The Ministry of Education's data, depicts a 2:1 ratio of boys to girls in the programs for gifted children. This ratio, calculated in both 1992 and 1996, has remained constant. The Ministry claims that this 2:1 ratio, also exists throughout the world and in professional literature.

5. Classroom Interaction and Teacher- Student Relationships

Classroom dynamics are important factors in the assessment of gender differences in the education system. Researchers state that teachers relate differently towards boys and girls, often unconsciously, and are more attentive to male students. This can be partly attributed to the fact that behavioral problems are more common among boys. Yet the message conveyed to girls is "to continue being cute and quiet," while the message to boys is "to try harder and improve" (Avrahami-Ainat 1989). In addition, these low expectations from girls lead to self fulfilling prophesies.

6. Activities and Educational Programs Adopted by the Ministry of Education in Order to Prevent Discrimination

6. 1. Gender Stereotypes Within School Books

Research conducted on messages conveyed in school-books, from 1989-1992 examined books from various subjects and intended for different age groups. The study revealed that women are depicted as being emotionally unstable, overly concerned with their appearance, weak, lacking personality, ignorant, jealous, disloyal, dependent, overly inquisitive, and as failing to contribute to society. These characteristics create negative stereotypes of women. In addition, men are mentioned in school books three times as often as women.

In 1993, in an attempt to combat sexist stereotypes, the Ministry of Education, Culture and Sport issued a new list of criteria for school books. Among these criteria are: 1) since Hebrew is a gender-specific language, grammar forms should be used in order to avoid being exclusive; 2) effort should be made to combat occupational stereotypes in textbooks and to prevent new stereotypes from being created; 3) it is important to stress that the choice of professions is open to everyone based on their individual strengths, abilities and talents, without discrimination on the basis of gender; 4) books must include equal use of descriptive character traits, so that a specific characteristic is not used exclusively for either men or women; 5) the activities and achievements of women should be described along side those of men; and 6) equality must be conveyed through the writing style; for example by not always referring to teachers in the feminine form.

Some critics of the education system point out that although the Ministry of Education has created a list of "rules" for improving the current situation, it must continue to act. These critics believe it is essential that: 1) the Ministry of Education carefully examines all the books they publish and concern itself with the content of privately published school books; 2) it is necessary to educate teachers about the existing sexist messages in school books, and to equip them with tools to deal with social messages that contrast with the goals of education and of an enlightened society; and 3) women's involvement in the Ministry of Education, especially at the higher levels may help the next generation create a society in which there is more equality between the sexes.

6. 2. Other Instructions and Intervention Programs of the Ministry of Education Which Aim to Prevent Discrimination

In addition to these concentrated efforts on the specific problem of stereotypical images in school books, the Ministry has acted in a variety of ways in order to eliminate and prevent gender discrimination. One such form of action is through issuing internal instructions and guidelines, such as those issued in 1986, in which the Ministry instructed nursery teachers to contain themselves from pressuring boys to act masculine or girls to act feminine.

There are also stipulations set out by the Ministry of Education in 1987, that currently guide girls to learn in technological schools, where in the past these schools were only for boys. This is partly implemented through cooperation with private educational initiatives, such as the *Na'aleh* Project. *Na'aleh*, an intervention program carried out in some upper and middle schools, allows for female students, parents, and school staff to work together and make careful decisions about studying sciences, such as math, physics, chemistry, and computers. These decisions include helping students decide which level matriculation exam is appropriate for them, and helping students choose a future profession. The program aims to increase the number of female students studying the sciences on a high level and to influence girls to study math on the five point (highest) matriculation level.

As a result of a report written following a one day seminar on equality within the education system, which was organized and written by the Israel Women's Network in 1993, the Minister

/...

of education created a budget of resources and declared in the Knesset in 1995 a policy for the advancement of equal opportunity between the sexes in education. As part of the new policy, the Minister appointed a Supervisor on Equality between the Sexes within the Ministry of Education. A steering committee of the Israel Women's Network that consists of experts from different areas of education works together with the Supervisor to offer advice and provide support. One of the Supervisor's main activities so far has been the publication of a reader titled "A Gender Found Its Equality", which includes many articles, reform programs, and research findings on the issue of gender equality in education (Segen 1995). Other activities of the Ministry under the initiative of the Supervisor include: 1) building a training program for teachers; 2) establishing seminars to create awareness of the problem; 3) teaching children's magazines to be careful of hidden messages they might convey; 4) checking school books and curriculums; sending reports from time to time to the general administrator; 5) creating a connection with women's organizations in Israel; 6) establishing seminars for different audiences (teachers, advisors, administrators); and 7) coordinating activities with the educational television, academic institutions and local councils interested in the advancement of women.

The Ministry's plans for the future include, an experimental project known as "Equality 2000." Initiated by the Israel Women's Network, this project is a three year long intervention program which will be carried out within 5 different middle schools. While the execution of the program will be undertaken by the Ministry, the Network's steering Committee will also be involved. The project will involve 10-15 teachers within each school, who will be specifically trained to deal with issues of gender-equality. "Equality 2000" contains elements of both a research project and an active intervention program; it is meant to bring about change in the attitudes and behavior of teachers, advisors, administrators, students and parents regarding gender equality.

In addition, a number of books have been published recently by Israeli academic women, regarding gender equality in education. For example Her and Him in Class by Avrahami-Ainat, published in 1989, provides the teacher with important information, and suggests curriculums and activities aimed at creating equality.

6. 3. Young Leadership Programs in Schools

The position of girls in programs that cultivate young leadership seems to be at least equal, if not better to that of boys. In every school there are elections for a student council. Generally, representatives are chosen from each class. The Ministry's statistics depict a slightly higher number of girls chosen from eighth grade and above. Every school sends representatives to the local council. This council is composed of representatives from schools, community centers, youth groups, and different organizations. The national council which is made up of 40 representatives from all sectors of society: religious, secular, Druze, Arab, Bedouin; is currently headed by a girl, although the majority of the representatives are currently boys. In addition, three out of the four committees within the national council are currently headed by girls.

7. Sex Education and Education on Family Life

In 1987 the Ministry of Education stated that a program on sex education and education on family life is mandatory from first to twelfth grade. In elementary school children are taught the meaning of being a girl or boy and their respective roles in the family. In middle and high-schools the Ministry tries to convey awareness, understanding and knowledge of the meaning of force, being taken advantage of, and violence, as forbidden forms of relationships within family and outside of it. The basic view of the educational system is that sex education should not just include education on the physical aspects of sex, but rather it should also include information on the emotional and social aspects. The program concentrates on the following topics: physical development, body image, sexual identity, femininity/masculinity and equality between the sexes, family, reproduction, interpersonal and couple's relationships, and sexual health.

8. The State Religious Education

When discussing the values that the Israeli educational system wishes to promote among its students, the differentiation between the various streams within the State educational system should be noted. Specifically, it should be understood that the State-Religious education (SRE) stream is free to establish values and norms that guide its operation. According to estimates, 21% of Jewish students belong to the SRE stream, or approximately 235,000 children, 50% of whom are girls. Most SRE schools are segregated, with separate classes, often in separate

/...

schools for boys and girls. The Administrator of the SRE estimates that, in the elementary level, 35% of the classes are separate, and in the high-school level, 90% of the classes are separate. The Administrator claims that the budget allocated to girls' schools is the same as the budget allocated to boys' schools.

9. Teachers

9. 1. Teaching- as a Feminine Profession

The teaching profession in Israel is composed primarily of women. As of 1992-93, more than 75% of all the teachers in Israel were women. Among Arabs however, the gap between the sexes within the teaching profession is considerably smaller. Furthermore as the level of the educational institution increases the female majority of teachers decreases. This is illustrated through the following 1993 statistics. in 1993, women made up 90.4% of teachers in Hebrew elementary schools and 53% of teachers within Arab elementary schools. In post- elementary schools women made up 70.2% of teachers in Hebrew schools and 29% in Arab schools. These post-elementary schools can be divided into middle school and upper school. Within middle schools 76% of the teachers in Hebrew education and 32% of the teachers in Arab education are women. In high schools, 62% of teachers in Hebrew education and 26% in Arab education are women. The percentage of women teachers has been steadily increasing throughout the past years.

Chart 2 -Increase of Women Teachers in Elementary Schools

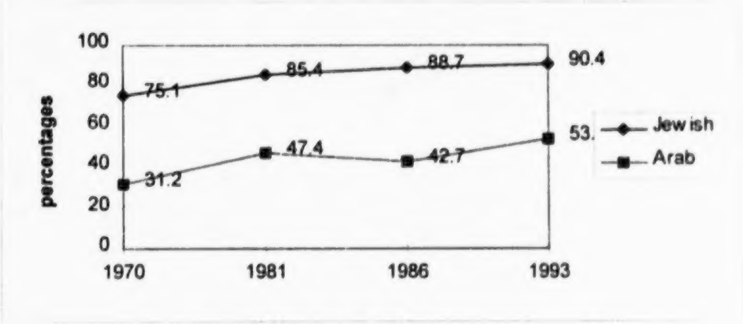
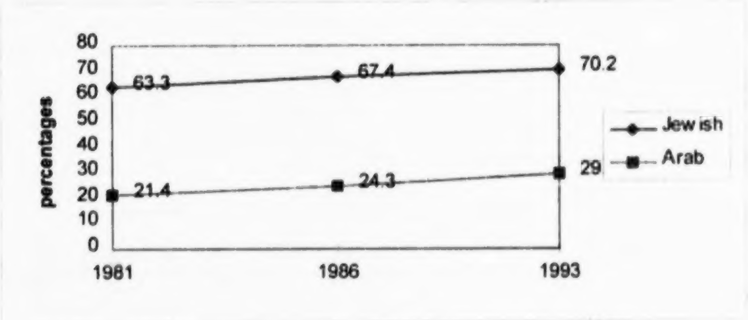


Chart 3 -Increase of Women Teachers in Secondary Schools



Source: Dr. Hertzog, CBS

Table 7 - Number of Teachers, by Years

	1948/49	1959/60	1969/70	1979/80	1989/90	1994/95	1995/96
Hebrew Education							
PRIMARY EDUCATION							
TOTAL	4,153	16,886	24,726	35,885	34,426	45,558	48,222
Thereof: Women	2,328	10,315	17,969	30,123	30,396	40,898	42,759
Percentage of Women	56%	61%	73%	84%	88%	90%	89%
POST PRIMARY EDUCATION							
INTERMEDIATE- Total			903	9,561	13,567	17,467	19,945
Thereof: Women			572	6,507	10,301	13,539	15,520
SECONDARY- Total	941	4,748	12,371	18,776	25,053	31,578	31,803
Thereof: Women	288	1,446	5,691	10,615	15,556	20,743	23,107
Arab Education							
PRIMARY EDUCATION							
TOTAL	170	1,195	2,524	6,279	6,640	8,772	9,396
Thereof: Women		377	783	2,894	3,250	5,035	5,584
POST PRIMARY EDUCATION							
INTERMEDIATE- Total			58	997	1,938	2,911	3,828
Thereof: Women			7	292	627	1,044	1,170
SECONDARY- Total		61	286	1,342	2,677	3,476	3,543
Thereof: Women		2	33	212	694	1,004	1,137

Source: CBS, SAI 1996

Table 8 - Number of Teachers, by Type of School

			JEWISH				ARAB			
			Total	Men	Women	%Women	Total	Men	Women	%Women
Total			76,993	14,195	60,675	79%	12,516	6,817	5,285	42%
Primary			40,375	3,857	36,114	89%	7,345	3,255	3,782	51%
Secondary	Total		37,691	10,709	25,262	67%	5,463	3,765	1,589	29%
	Middle School		15,582	3,359	11,781	76%	2,770	1,855	898	32%
	High School	Total	27,472	9,017	17,013	62%	3,057	2,182	783	26%
		track theoretical	18,362	5,529	12,090	66%	2,389	1,751	573	24%
		Technological, Proffesional, Agricultural	11,472	4,250	6,431	56%	961	637	295	31%

*Margin of error 2%

Source: CBS, Ministry of Education, Culture, and Sport: Survey of Teaching Staff, 1992/3

Table 9 - Teachers by Subject

	Jewish		Arab	
	Primary School			
Subject	Total	% Women	Total	% Women
History	318	84.5	284	23.4
Bible	1,454	74.4		
Talmud	1,429	39.5		
Hebrew Language			608	36.1
Hebrew Literature	919	96.9	154	32.7
English	2,116	95.4	548	53.8
Arabic			1,453	50.2
General Teaching	16,545	94.6	1,699	69.1
Nature	1,872	92.3	524	34.8
Mathematics	3,273	89.5	1,130	47.3
Computers	569	84.4	92	39.8
Shop/ Arts/Crafts	1,569	93.2	188	86.5
Physical Education	1,828	67	309	13.8
	Middle School			
	Total	% Women	Total	% Women
History	1,072	75.8	118	25.6
Bible	1,599	74		
Talmud	1,221	42.5		
Islamic Culture			165	26.7
Hebrew Literature	1,466	93.5	187	25.7
English	1,746	89.3	315	45.5
Biology	1,054	86.4	131	45.8
Chemistry	159	77.3	71	31
Mathematics	1,963	76.1	391	25.6
Physics	529	63.4	84	32.1
Computers	290	67.1	63	30.2
Electronics	59	15.3	5	
Accounting	28	76		
	High School			
	Total	% Women	Total	% Women
History	1,490	64.9	140	10.9
Bible	2,203	68.5		
Talmud	874	28.3		
Islamic Culture			72	15.3
Hebrew Literature	1,811	87.8	141	90.3
English	2,174	84.9	281	48.9
Biology	1,071	78.8	164	27.4
Chemistry	667	79.9	128	19.7
Mathematics	2,200	65.8	310	20.8
Physics	840	40.3	135	10.8
Computers	379	67.6	72	16.9
Electronics	72	18.3	7	0
Accounting	86	87.2		

Source: CBS

9. 2. Teacher's Salaries

Inequality exists in the salary levels of men and women working within the educational system. Statistics reflect this relative inequality among the teaching staff. Recent data supplied by the Treasury Ministry regarding teachers' salaries who are employed by the Ministry of Education for full-time work reveals that overall, women earn on average 87% of men's salaries.

The table below which details the number of teachers in each salary level, further illustrates the differences in the salaries of men and women within the educational system.

Table 10- Salary Levels

	Primary Education				Secondary Education			
	Total	Men	Women	Unknown	Total	Men	Women	Unknown
Grand Total- Absolute Numbers								
Jewish								
Total Teachers	40,375	3,875	36,114	404	37,691	10,709	25,262	1,720
Salary Level:								
Dr. and M.A.	2,158	550	1,588	20	5,680	2,350	3,188	142
B.A.	7,157	1.007	6,069	81	16,027	3,592	12,086	349
Graduate	21,545	1,283	20,136	126	6,536	1,415	4,935	186
Certified	6,119	505	5,537	77	5,329	2,223	2,873	233
Not- Certified	1,904	269	1,607	28	813	213	555	45
Unknown	1,494	242	1,177	75	3,304	916	1,624	764
Arab								
Total Teachers	7,345	3,255	3,782	308	5,463	3,765	1,589	109
Salary Level:								
Dr. and M.A.	97	69	21	7	335	278	55	2
B.A.	956	492	371	93	2,505	1,739	747	19
Graduate	3,799	1,905	1,863	31	1,312	960	351	1
Certified	1,892	552	1,200	140	672	456	214	2
Not- Certified	494	206	264	24	287	147	134	6
Unknown	106	31	63	12	352	185	88	79

Source: Dr. Hertzog

9. 3. Administrative Positions.

The number of men working in educational institutions increases with the level of the position. Relative to men, there are many more women who have acquired Master and Doctorate degrees, yet who still work in non-administrative positions within the educational system (Hertzog).

Table 11- Teaching and Administrative Positions

	Primary Education				Secondary Education			
	Total	Men	Women	Unknown	Total	Men	Women	Unknown
Total Numbers								
Teachers (all)	40,375	3,857	35,114	404	37,691	10,709	25,252	1,720
Public	26,846	1,395	25,265	186	27,486	6,838	19,561	1,087
Religious Public	10,661	1,693	8,808	160	8,236	3,333	4,414	489
Private	2,870	769	2,041	61	1,894	530	1,260	104
Positions								
Principals	1,499	462	1,021	16	666	448	199	19
Public	948	148	797	2	382	225	149	8
Religious Public	414	232	174	9	199	157	33	9
Private	137	82	50	5	85	66	17	2
Vice Principals	507	127	377	3	674	316	335	23
Public	297	36	259	2	507	201	289	17
Religious Public	160	69	90	1	134	105	26	3
Private	50	22	28		33	10	20	3
Percentages								
Teachers (all)	100	9.6	90.4		100	29.8	70.2	
Public	100	5.2	94.8		100	25.9	74.1	
Religious Public	100	16.1	83.9		100	43	57	
Private	100	27.4	72.7		100	29.6	70.4	
Positions								
Principals	100	31.2	68.8		100	69.2	30.8	
Public	100	15.6	84.2		100	60.2	39.8	
Religious Public	100	57.3	42.7		100	82.6	17.4	
Private	100	62.1	37.9		100	79.5	20.5	
Vice Principals	100	25.2	74.8		100	48.5	51.5	
Public	100	12.2	87.8		100	41	59	
Religious Public	100	43.4	56.6		100	80.2	19.8	
Private	100	44	56		100	33.3	66.7	

Source CBS, SAI 1996

The number of men teaching in religious educational institutions is greater than that in secular institutions. In institutions that are more gender-segregated or that are independent (Arab or religious) men hold more teaching positions. Furthermore, men hold a large number of administrative positions within these schools.

Table 12- Teaching and Administrative Positions in Arab Schools

	Primary Education				Secondary Education			
	Total	Men	Women	Unknown	Total	Men	Women	Unknown
Total Numbers								
Teachers (all)	7,345	3,255	3,782	308	5,463	3,765	1,689	109
Positions								
Principals (all)	329	286	29	14	129	119	9	1
Vice-Principals (all)	116	97	12	7	81	75	5	1
Percentages								
Teachers (all)	100	46.3	53.7		100	70.3	29.7	
Positions								
Principals (all)	100	90.8	9.2		100	93	7	
Vice-Principals (all)	100	89	11		100	93.8	6.3	

Source CBS, SAI 1996

The number of women currently studying to be teachers illustrates the fact that this trend is unlikely to change in the near future.

Table 13- Teacher Training Colleges

	1969/70	1979/80	1984/85	1989/90	1994/95	1995/96
	Hebrew Education					
Total Students	4,994	11,285	12,482	12,333	18,380	20,003
% Men	13.9	10.3	15.7	16.6	16.3	15.9
% Women	86.1	89.7	84.3	83.4	83.7	84.1
	Arab Education					
Total Students	370	485	423	576	1,193	1,598
% Men	46.9	45.2	49.9	22.9	16.2	12.9
% Women	53.1	54.8	50.1	77.1	83.8	87.1

Source: CBS, SAI 1996

10. Physical Education and Sports

The Sports Law-1988 provides for equality within sports and physical education. Section 10B of this law requires that the regulations of a sports union or association include statements concerning the equal opportunity of women to sports and physical education.

In Israel, girls make up 21% of all those involved in competitive sports. In countries throughout Western Europe 35%-40% of competitive athletes are women. Within athletic institutions and organizations in Israel, there are almost no women in senior positions, despite the fact that many female students graduate from physical education colleges. Only 5% of the administrators of sports unions are women, and between 10%-15% of coaches are women. In regard to competitive sports, women's teams receive a coverage of 5% relative to men's competitions.

In 1993, the Dekel Committee which was established by the Ministry of Education, Culture and Sport as the committee for the advancement and development of physical education and sport in both formal and informal education within Israel, presented its recommendations. The committee requested the establishment of a sub-committee for the special purpose of examining and improving the situation of women's sports. The sub-committee suggested that a special unit for the advancement of physical education and sport for girls and women should be established.

The special unit for the advancement of women in sport, recommended by the sub-committee, was established in 1994 in accordance with the new policies of Deputy Minister of Education Culture and Sport. The purpose of the unit includes increasing the number of women involved in different branches of competitive sports, the number of women coaches, and the amount of women as decision making administrators. Furthermore this unit intends to initiate a program to widen the knowledge and research on girls and women in sport. The unit decided that there was no need for formal legislation and that the legislative situation for equality in sports was sufficient as a result of the **Sports Law-1988** and the Convention on the Elimination of all Forms of Discrimination Against Women.

In addition, the sub-committee decided to adopt policies of affirmative action in order to increase the amount of female participation in competitive sports. This sub-committee has also created a list of instructions which it plans to enforce within the education system. For example, a school will only be allowed to participate in sports competitions on the condition that 40% of the students involved are girls. Furthermore, if a school does not have a minimum participation of 30% girls on their selected sports team, they will not receive financial aid or be allowed to participate in competitions. It is also recommended that school administrators develop programs that make teachers, parents and students, aware of the importance of the involvement of girls in sports and the importance of equal opportunities in physical education and sport. Administrators can accomplish this goal by creating programs encouraging girls' involvement in sports such as training seminars, special sports days and events, and meetings with outstanding female athletes. Recommendations to elementary schools and middle schools include requiring sport classes to consist of at least 40% girls. Recommendations for high schools include the equal distribution of resources such as convenient times for competitions, uniforms and equipment. There should also be a program parallel to that of the boys which prepare girls to be physically fit for the army.

The sub-committee stresses: 1) the importance of programs in teachers' training colleges that create awareness of the need for equality in sports and physical education; 2) the inclusion of programs for the advancement of female graduates of such teaching training colleges to administrative positions in the physical education system; 3) the encouragement of these graduates to belong to Israeli and international unions that promote the advancement of physical education and sports for women; 4) the involvement in supervising post-high school programs, such as rewarding exceptional female athletes with scholarships; and 5) the belief that they must involve the media to help change popular attitudes towards women in sport..

Until 1996 the following activities had been executed in order to improve the situation of women in sports. The Ministry of Education and Sport established a union of sports among the schools. The union includes a budget that is favorable towards the women's teams. Within the budgeting of the sports authority, there is an equal distribution of the total amount of money spent on sports for men and women, while for competitive sports, 50% more money is spent on women's teams. These extra funds are part of an affirmative action policy to improve the current discrimination

Furthermore, in 1995 Israel adopted the 1994 Brighton Declaration, which states that every effort should be made by State and government machineries to ensure that institutions and organizations responsible for sport comply with the equality provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the UN Convention on the Elimination of All Forms of Discrimination against Women.

In Israel, in addition to the funding from local municipalities and the Ministry, much of the funding used to encourage and support sports is acquired through the lottery. The Committee involved in the division of this money recommends that there should be no discrimination in the division of funds, and that women's sports should be equally supported. As a result, changes took place in the monetary division of the lottery funding within basketball. Where in 1994 the men's national budget was double that of women's, according to the new directives the budget would be equal.

Supplementing these developments, there has been some litigation in this area. In **The Basketball Union of Israel v. L.C.N. For the Advancement of Basketball for Women**, there was a discussion on the discriminatory regulations of the union of basketball in Israel. These regulations state that while the men's national league is allowed to sign foreign players, the women's league is not. Furthermore, the men's team is allowed to spend more money than the woman's team. The District Court invalidated the discriminatory sections of the regulations because they were against public policy and in contradiction to section 10 of **The Sports Law-1988** (see introduction to physical education). The Israeli Basketball union appealed to the

/...

Supreme court, which accepted their appeal on formal grounds without dealing directly with the issue. The internal court within the sports union later accepted the claim of discrimination.

Recently, one of the leading women's national basketball team, turned to the High Court of Justice because they were receiving half the amount of funding as the men's team. The court decided to establish a nation-wide committee which would create tests and criteria on the issue of a local municipality's monetary support to sports groups so that there will be equality between male and female sports teams.

11. Higher Education

11. 1. Women as Students

11. 1. 1. Opportunities

Everyone, regardless of gender, has the same opportunity to study any subject, or major in whatever they wish, at the level of higher education. Opportunities are limited to the extent that certain departments have prerequisites which require students to have taken high level math or science matriculation exams. As discussed earlier, many girls do not sign up for these high level classes and as a result are limited in their choice of subjects in higher education.

11. 1. 2. Percentages of University Students and Graduates

In 1995, statistics showed that 55% of undergraduate students in Israel are women. This favorable majority of women within higher education is only matched by France, in which the female percentage in higher education slightly exceeds that of Israel. In addition, over 50% of all graduate students in Israel are women. This percentage exceeds that of all countries except the United States where the percentages are basically equal to those in Israel. The percentage of women among university degree recipients is similar to their share in the total number of students, and women participate equally in the higher education system overall. In addition, it must be noted that among the students receiving third degrees, women number less than half. In 1992/93, women accounted for 56.2% of all undergraduate students, 53.6% of master's degree students, and 43.8% of doctoral students.

/...

Table 14 - Students in Universities, by Degree and Subject

	Total 1974/75	Total 1984/85	Total 1989/90	Total 1992/93	Humanities	Social Sciences	Law	Medicine	Sciences and Mathematics	Agriculture	Engineering and Architecture
First Degree	100	100	100	100	100	100	100	100	100	100	100
% Thereof Women	44.8	48.3	51.3	54	74	55.9	46.6	71.4	44.3	41.2	18.2
Second Degree	100	100	100	100	100	100	100	100	100	100	100
% Threreof Women	35.2	46.8	50.3	53.5	73.7	52.9	38.4	49.8	48.7	46.8	21.7
Third Degree	100	100	100	100	100	100		100	100	100	100
% Threreof Women	25.9	39.7	41.3	43.8	54.4	46.1		65.4	41.3	42.9	21

* The total percentage of women receiving degrees reached 54.7 in 1995

Source: CBS, SAI 1996

Table 15- Students in Universities

	1969/70	1979/80	1989/90	1993/94	1994/95	Annual Percent Change		
						1969/70-1979/80	1979/80-1989/90	1989/90-1994/95
All Students								
Total								
Absolute Numbers	33,383	54,480	67,770	91,480	97,250	5	2.2	7.5
% of Women	43.3	46.2	50.8	54.5	55.3	5.7	3.1	9.4
%'First Year for First Degree								
Total	100	100	100	100	100	3.2	0.9	8.3
Thereof: Women	47.5	50.1	53.7	56.4	56.5	3.8	1.2	9.9

Source: CBS, SAI 1996

The following two tables provide data on the recipients of degrees: The first provides the numerical progression of women students throughout the years in absolute numbers.

Table 16- Recipients of Degrees From Universities

	1974/75	1979/80	1984/85	1985/86	1986/87	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95
	Total										
Grand Total	8,799	9,371	11,218	12,050	12,089	13,915	13,633	14,658	15,573	16,139	18,339
thereof: Women	3,780	4,223	5,443	5,883	5,986	7,033	7,020	7,536	8,240	8,811	10,031
	Bachelor's Degree										
Grand Total	6,638	6,740	8,113	8,919	8,845	10,192	9,995	10,506	11,144		
thereof: Women	2,823	3,035	3,977	4,377	4,423	5,269	5,206	5,475	5,961		
	Master's Degree										
Grand Total	1,233	1,652	2,140	2,200	2,274	2,790	2,726	3,068	3,153		
thereof: Women	413	625	874	910	972	1,236	1,264	1,418	1,526		

Source: Council For Higher Education, Planning and Budgeting Committee

The second table shows the breakdown of degrees earned by subject and level. Here too it is apparent that women concentrate in certain topics. such as humanities, and are less likely to enter fields such as Business and Mathematics / Computers.

Table 17- Women Recipients of University Degrees, by Fields of Study 1992/93

Field of Study	Grand Total		Bachelor's Degree		Master's Degree		Doctorate	
	Total	Women	Total	Women	Total	Women	Total	Women
Grand Total	15,173	8,240	11,144	5,961	3,153	1,526	556	211
Humanities- Total	3,915	2,826	2,605	1,925	531	375	90	41
General Humanities	1,223	640	1,013	547	161	78	49	15
Languages, Literature, and Regional Studies	937	790	824	703	84	68	20	11
Education and Teacher Training	1,336	1,075	455	405	246	199	16	13
Arts, Crafts, and Applied Arts	302	247	251	208	31	23	5	2
Special Courses and Miscellaneous	117	110	62	62	9	7		
Social Sciences- Total	4,946	2,597	3,801	2,014	1,082	548	47	22
Social Sciences	4,187	2,324	3,446	1,877	685	416	40	18
Business and Management	759	273	355	137	397	132	7	4
Law	506	214	483	201	22	12	1	1
Medicine- Total	1,510	918	1,043	696	437	205	22	10
Medicine	851	365	481	214	351	143	19	8
Para-Medical Studies	659	553	562	482	86	62	3	2
Mathematics and Natural Sciences- Total	2,350	1,167	1,456	767	608	288	285	112
Mathematics, Statistics and Computer Sciences	685	241	517	194	121	37	46	10
Physical Sciences	786	316	481	226	219	75	86	15
Biological Sciences	879	610	458	347	268	176	153	87
Agriculture	308	142	214	105	70	27	24	10
Engineering and Architecture	2,038	340	1,542	253	403	71	87	15

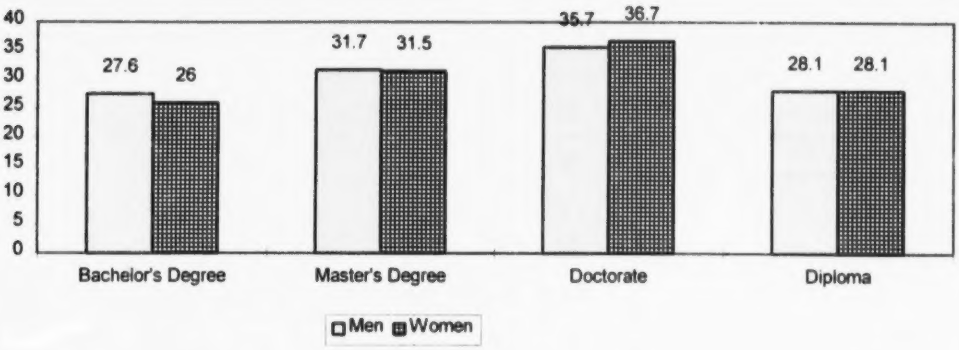
Source: Council For Higher Education, Planning and Budgeting Committee

Other statistics show that women make up a large majority of those studying health care (93%) and studying to be teachers (84%), but are underrepresented in the technological fields (20%). Their presence in the humanities is high (71.4%), while only 13.3% of those studying to become engineers and archaeologists are women. Statistics further demonstrate that there is approximately equal numbers of men and woman studying medicine (46% women), law (46% women), and the social sciences (59% women).

11. 2. Average Age at Which Students Receive Each Degree

The next two tables show the number of students in university by median age, and the percentage of students aged 20-29 enrolled in universities. Women prove to be generally younger than men when receiving their bachelor's degrees, 26.0 versus 27.6, mainly due to the fact that their mandatory army service is one year shorter than that of their male counterparts. For master's degrees, however, the median age for women is virtually identical to that for men, and for doctoral degrees, the median age for men (35.7) is a year lower than that for women (36.7).

Table 18- Median Age of Recipients of Degrees, 1989/90



Although in the past, the percentage of men aged 20-29 enrolled in university was higher than the percentage of women, by the mid-1980's the numbers were approximately even, and by 1993, the percentage of women surpassed that of the men, with more than 10% of that population group enrolled in university.

Table 19- Enrollment in Universities

percents of ages 20-29 in the Jewish population

	1964/65	1969/70	1974/75	1984/85	1989/90	1992/93
Total	3.8	6.3	7.2	7.6	8	8.9
Men	5.4	7	8	7.5	7.3	7.8
Women	2.8	5.6	6.3	7.6	8.7	10.1

Source: CBS, SAI 1996

11. 3. Non-University Higher Education

Aside from Government Universities, a number of alternative institutions of higher education, and institutions which grant diplomas other than bachelor's, master's and doctorate degrees exist in Israel. The following table shows the number of men and women students earning their first degrees in such institutions in 1996, and their breakdown by various fields. Once again, while women make up more than half of the total students, it is apparent that there are certain professions preferred by each sex.

Table 20- First Degree Students in Non-University Institutions for Higher Learning

Year/Subject	Total	Men	Women	% Women
1995/96- Total	23,747	8,582	15,165	64%
Teacher Training	10,781	1,364	9,417	87%
Technology Sciences	2,497	1,894	603	24%
Economics and Business Administration	4,923	3,299	1,624	33%
Arts Design and Architecture	2,201	790	1,411	64%
Law	973	409	564	58%
Communication	1,032	341	691	67%
Social Sciences	1,340	485	855	64%

Source: CBS, SAI 1996

11. 4. Minorities in Higher Education

Among non-Jewish communities in Israel, the amount of female students decreases as the educational level increases. The gap between men and women who pursue post-secondary degrees, which is relatively small among Jews, is rather large among other communities. More than three times the number of men receive higher education.

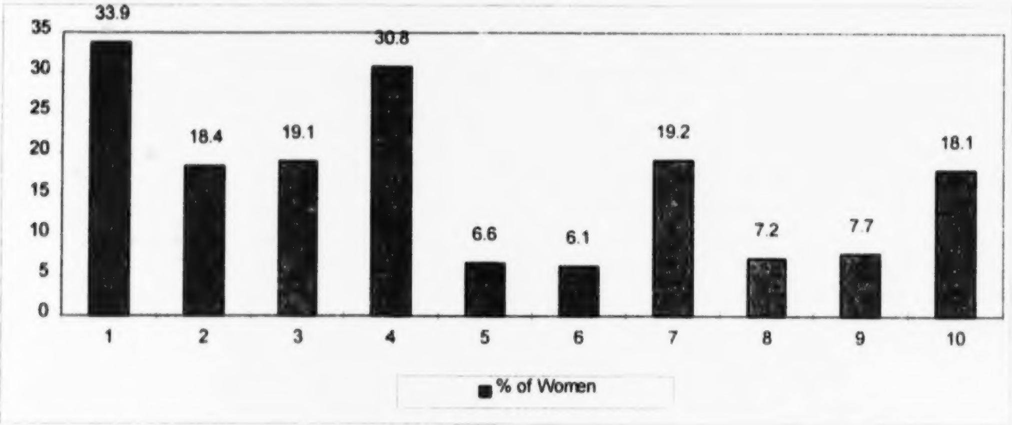
11. 5. Women in the Academic Staff

11. 5. 1. Percentage of Women Among the Academic Staff

As of 1992/93, women represented approximately 20% of senior academic staff financed by the Council for Higher Education budget, while in 1978/79 women represented only 16%. There is clearly an increase in the number of women across the ranks, but as the rank increases, the percentage of women at a given rank decreases.

The following table shows the number of women at each academic staff level, and the percentage they comprise of the total. The graph illustrates that the highest percentage women have attained is 33.9 in the humanities. And among those positions attained, the majority are of the lowest rank, that of Lecturer; while the percentages of women who are "full professor" are the lowest of all.

Chart 4 - Women on Senior Academic Staff, by Subject



1 Humanities
2 Social Sciences
3 Law
4 Medicine
5 Mathematics, Stst. & Computers
6 Physical Sciences
7 Biological Sciences
8 Agriculture
9 Engineering and Architecture
10 Other

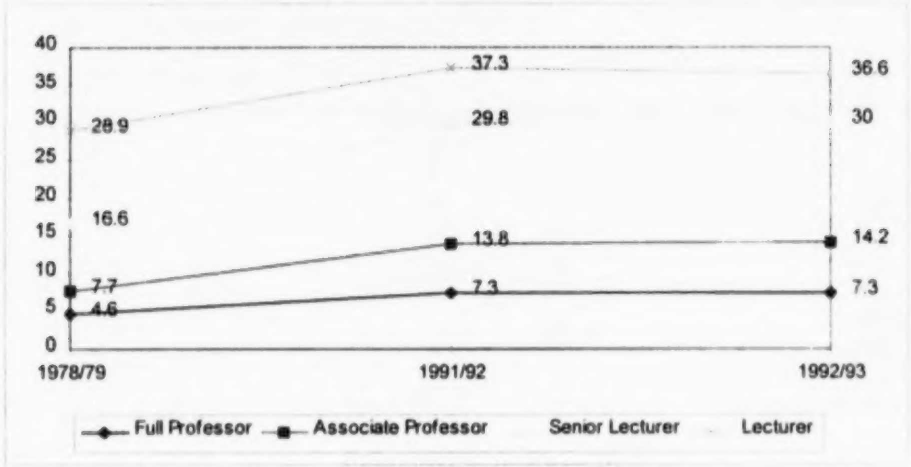
Table 21- Women on Senior Academic Staff, by Subject and Rank

Field	Total	Rank			
		Lecturer	Senior Lecturer	Associate Professor	Full Professor
Absolute Numbers					
Total	842	236	352	161	92
Humanities	412	127	199	63	23
Social Sciences	121	46	52	15	8
Law	16	4	1	6	4
Medicine	105	26	39	25	15
Mathematics, Stst. & Computers	23	4	10	5	4
Physical Sciences	32	3	6	15	8
Biological Sciences	70	7	23	18	21
Agriculture	7	3	3	1	1
Engineering and Architecture	37	7	12	12	6
Other	21	9	8	2	2
Percentage of Total Staff					
Total	20	36.6	30	14.2	7.3
Humanities	33.9	50.4	40.5	23.1	11.4
Social Sciences	18.4	30.4	27.1	8.1	5.9
Law	19.1	29.6	7	24.5	15.2
Medicine	30.8	56.6	45.1	22.1	15.7
Mathematics, Stst. & Computers	6.6	10.4	13.5	6.1	2.6
Physical Sciences	6.1	10.5	7.2	10.9	2.9
Biological Sciences	19.2	27.3	31.3	14.5	15.3
Agriculture	7.2	15.5	15.6	2.9	2.5
Engineering and Architecture	7.7	14.6	11	7.9	3.4
Other	18.1	35.9	21.6	6.7	8.5

Source: Council For Higher Education, Planning and Budgeting Council

This next graph shows the progression of women attaining the ranks of lecturer, senior lecturer, associate professor, and full professor. The numbers have been increasing, but only slightly. Between 1991/92 and 1992/93, the percentage of women granted full professorship did not increase, and the total number of women in this category is still extremely low.

Chart 5 – Percentage of Women Among Senior Staff



Source: Council for Higher Planning

11. 6. Percentages of Women in Various Departments

A study of the influences on the division by gender between academic departments in Israel demonstrates that as the age of the department increases so do the chances of finding women professors in that department. This study also shows that the growth of the number of women in a department will increase their power, which influences their chances to reach the level of Professor.

11. 7. Activities to Improve the Situation

Women's under-representation in higher education, especially in senior ranks, has begun to draw attention in the past few years. The Knesset Committee on the Status of Women dedicated several sessions to discuss the problem, and has urged the various institutes of higher education to appoint special internal Advisors on the status of women.

12. Adult Education

The activities that the Ministry of Education began through the department of adult education include: 1) the absorption of immigrants through assistance in language; 2) cultural absorption; 3) assisting immigrants in their roles as parents and workers in society; 4) enabling the elderly the opportunity to receive elementary and high-school education; 5) providing education as a means of personal development and professional advancement; and 6) opening a center for educational enrichment and continuous learning throughout ones lifetime. In addition, there are activities geared towards parents which help provide them with tools to deal with life changes. In 1996 alone, approximately 162,621 adults will have participated in the different activities provided for by this branch of the Ministry of Education.

In certain areas of adult education, the percentage of women is particularly high. These include the schools for Hebrew language. In the field of general education, a program called "Tehila" serves all citizens who are illiterate, or have not completed their elementary education. The program strives to provide basic tools such as reading, writing, and comprehension. Approximately 90% of those studying in "Tehila" are women. There is also a program which provides a high school education for adults. The average age of those studying are 35, and 70% of the students are women. The department of adult education also provides enrichment programs where scientific, professional and artistic subjects are studied on high levels. These activities are intended to enrich ones education and provides one with the opportunity to develop hobbies and artistic skills. Out of the 35,000 students involved in these activities, approximately 70% are women.

/...

ARTICLE 11 Employment

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to insure, on a basis of equality of men and women, the same rights, in particular:

a) The right to work as an inalienable right of all human beings;

b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

c) The right to free choice of profession and employment, the right to promotion, job security, and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

d) The right to equal remuneration, including benefits and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old-age, and other incapacity to work, as well as the right to paid leave;

f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to insure their effective right to work, States Parties shall take appropriate measures:

a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities;

d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

/...

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

1. Legislative Measures

1. 1. Protections Against Discrimination

Until the end of the 1980's, there were few laws which specifically dealt with matters of gender equality in the workplace. The **Equal Pay (Male and Female Employees) Law-1964** (since replaced in 1996) was perhaps the most important piece of legislation which addressed discrimination in the workplace. Its provisions were far from exhaustive, the law simply demanded that male and female workers receive comparable pay for comparable work. A more general condemnation of discrimination against women could be found in the **Women's Equal Rights Law-1951**, which, while not dealing explicitly with labor-related issues, demanded that "one law apply to men and women regarding every legal action." Although lacking the constitutional status of a "Basic Law," the Supreme Court has construed it as containing norms of a constitutional nature, and has held that, where possible, other laws should be interpreted so as to conform to its provisions.

This lack of legislative activity, combined with the fact that the few laws which were enacted failed to provide serious remedies or enforcement tools, resulted in a parallel lack of litigation.

In 1987, the **Equal Retirement Age (Male and Female Employees) Law-1987** was enacted, prohibiting employers from forcing early retirement on women workers.

The **Equal Employment Opportunities Law-1988** prohibits discrimination in the workplace, based on gender, sexual orientation, marital status, parenthood, race, age, religion, nationality, country of birth, political or other orientation. Neither governmental nor private employers may take the above classifications into account in determining hiring, promotion, termination of employment, training, or work and retirement conditions of employees, except in special cases where the unique nature of the position makes these classifications relevant. Protections offered to women employees which take into account their special needs as women or mothers are not to be considered discriminatory, although the law specifies that any such rights offered to working mothers must equally be given to men who either have sole custody of their children, or whose wives work and have chosen not to make use of these provisions.

The law recognizes sexual harassment as a form of discrimination in the workplace subject to civil and criminal sanctions, and, although it provides a narrow definition of harassment and fails to address the issue of hostile working environments, it forbids employers from penalizing employees or job candidates in any manner for refusal to accept proposals or advances of a sexual nature. A 1995 amendment to the law has placed the burden of proof upon the employer in civil sexual harassment suits; where an employee has proven refusal of a sexual advance, the employer must then prove that there has been no violation of the law (i.e. that the employee has not been penalized in any manner). While, as noted, the other provisions of the law are limited to those employers who employ more than 5 workers, the provision forbidding sexual harassment applies to all employers.

Violation of the primary provisions of the law constitutes a criminal offense, punishable by fine. Unlike its 1981 predecessor, however, which merely criminalized discrimination, the law offers the worker whose rights have been violated access to civil remedies as well. Exclusive jurisdiction over civil disputes which arise under the law is given to the Labor Courts, and despite the fact that Israeli contract law generally prefers the remedy of compensation over interfering in employee-employer relationships, the Court is specifically authorized by the law to grant enforcement injunctions in cases where mere compensation would not serve the cause of justice. The statute of limitations on civil suits under this law is 12 months. Workers may also file a complaint against their employer in the Woman's Employment and Status Branch of the Ministry of Labor and Welfare.

In civil suits according to the law, the burden of proof is generally placed on the employer. In cases relating to advancement or work conditions, the employer must demonstrate that where specific requirements for the above matters exist, and where the employee has fulfilled these requirements, the employer has not violated the law in denying the relevant benefit. Where termination of employment is concerned, once the worker shows that there has been nothing in his/her action or behavior to justify termination, the employer must prove that he/she has not violated the law in firing the worker. The court may order that proceedings relating to sexual harassment or to discrimination on the basis of sexual orientation be held in closed chambers. An explicit provision of the law seeks to ensure that workers who file complaints or who assist others in doing so may not be penalized by the employer.

The issue of sexual harassment in the civil service is also dealt with in the Civil Service Code. Sexual harassment had been proscribed as a disciplinary offense in a 1990 supplement to the Civil Service Code. Its definition then was already broader than the definition in the **Equal Employment Opportunities Law-1988**. The Code's definition related to any act with the characteristics of a sexual act, including speech or insinuation. Furthermore, it did not limit its application to circumstances involving supervisors and their workers, and covered a range of acts between co-workers as well. With respect to sexual harassment between supervisors and workers, the Code specified that the worker's consent was irrelevant, and that it did not matter whether it was the worker or the supervisor who initiated communication of a sexual nature. A 1995 amendment to the Civil Service Code added the creation of a hostile working environment to the definition sexual-harassment and provided for legal and professional aid to the plaintiff. The amendment directs the employee to turn to either the disciplinary superintendent or to the Supervisors on the Status of Women in each ministry, and designates the General-Supervisor on the Advancement of Women in the Civil Service, together with the Superintendent over Discipline in the Civil Service, to handle all complaints regarding sexual-harassment in the service. The amendment further obligates all employees who suspect sexual-harassment to report their suspicion. It is interesting to note that in a clarifying comment to this amendment, the general-supervisor mentions the Convention as a supplementary source of the government's obligation to eliminate discrimination against women.

The Equal Pay (Male and Female Employees) Law-1996 aims to further equality and prevent gender-based discrimination in the area of work compensation. Replacing a similar law from 1964, this new legislation expands protection against discrimination by widening its definition, providing greater access to remedies, and implementing the progressive notion of pay-equity. While the 1964 version of the law dealt merely with "salaries," the law now extends to "all other forms of compensation," including benefits, additions, grants, coverage of expenditures, car/telephone expenses, and overtime--all of which previously served as "loopholes" for employers wishing to evade the spirit of the law. While the law previously required employers to pay workers in "essentially equal" positions at the same workplace equal salaries, today's law extends its protection to positions at the same workplace that are "equal in value." The law specifies that two jobs are considered of equal value, even if they differ from one another, to the extent that they demand equal qualifications, effort, expertise, and responsibility. Any deviation from this standard of equality requires the employer to prove that non-gender-related circumstances justify this deviation.

Exclusive jurisdiction over disputes arising under this law is given to the Labor Courts, which are authorized to appoint court experts to evaluate whether positions under dispute are in fact of equal value. The costs of the evaluation are generally covered by the litigants; in recognition, however, of the fact that such costs often deter potential complainants, the law authorizes the court to decide--under special circumstances--that the State cover the cost of the evaluation. Employees who are found to have been underpaid according to this law may sue for up to twenty-four months' back wages.

Suits may be filed either by the employee, the representative organization of employees, or--with the worker's consent--an organization dealing with women's rights. Class-action suits may also be filed by one worker whose rights have been violated on behalf of a number of such workers, an option that is rare in the Israeli legal system. The court is given broad powers to allow statements to be made by various non-parties to the dispute, including women's rights groups, other employees who may be harmed by the suit, etc. Employee's rights according to this law may not be forfeited, nor may conditions be attached to them. Additionally, benefits granted to workers for pregnancy or parenthood are not taken into account for the purposes of this law.

2.Women's Health and Employment

The **Employment of Women Law-1954** authorizes the Minister of Labor and Welfare to regulate the employment of women in positions or fields that are uniquely dangerous to a woman's health or that are hazardous to her reproductive capabilities. The **Employment of Women Regulations (Exposure to Ionized Radiation)-1979** differentiate between relatively low levels of exposure, which require supervision for all women employees, and relatively high levels to which women in their child-bearing years (defined as under 45) may not be exposed at all. Women who work in supervised areas must immediately notify employers of pregnancy, and once they have done so they may be exposed to far lower levels of radiation. Employers are similarly required to take "all reasonable measures necessary to maximally reduce the amount of exposure" in workplaces where women are employed. The **Employment of Women Regulations (Forbidden and Restricted Jobs)** apply solely to women under age 45 and forbid their employment in situations where they may be exposed to certain amounts of lead filings or vapors. They similarly regulate the exposure of pregnant and nursing women to various substances, including benzene, benzol, arsenic and compounds, and methyl mercury and its derivatives.

The **Employment of Women Law-1954** additionally authorizes the Minister to regulate the conditions deemed necessary to protect the safety and health of women working at night. The regulations currently in force provide that women must be given transportation to and from night employment where suitable public transportation does not exist, and that women must be given hot drinks and time to rest. Likewise, subject to a number of exceptions, employers may not refuse to hire women workers who state that for family reasons, they are unwilling to work nights.

3. Pregnancy and Maternity Leave

Pregnant workers, as well as those who have just given birth, are provided with various legislated rights and protections, most of which are dealt with in the **Employment of Women Law-1954**. A pregnant employee must notify her employer of her condition by the fifth month of her pregnancy. From then on, she may not be employed for overtime or more than six days a week, and may not be required to work nights. A recently-proposed amendment to the law seeks to allow pregnant women to decide for themselves whether or not to work overtime. By the same token, pregnancy may not serve as grounds for termination of employment.

3. 1. Fertility Treatment and Medical Absences During Pregnancy

Both men and women are allowed to take leaves of absence, characterized as sick leave, while undergoing fertility treatments. Likewise, pregnant women are entitled to paid absences from work for routine medical examinations.

/...

3. 2. Maternity Leave

A mandatory twelve-week leave of absence may be taken by the pregnant woman at any point after the middle of the seventh month of pregnancy. Under special circumstances, including sickness, the birth of more than one child, or the need for the baby's hospitalization, the leave may be extended. Until November 1994, employees on maternity leave received merely 75% of their missed pay from Social Security. Realizing that this constituted discrimination against women, especially in light of the full compensation given to men who miss work in order to fulfill their yearly military reserve duty obligation, the Knesset amended the **National Insurance Law** in 1994 so as to provide women with the full equivalent of their salaries. However, while the 75% previously granted was not viewed as taxable income, the full compensation now given is taxed as regular salary. The main practical beneficiaries of the amendment are those women who need it most--poorer women whose earnings are taxed according to lower tax brackets. Women insured by National Insurance, and in certain instances home-makers whose husbands are insured, are eligible to receive various other grants, as detailed under Article 13 below. This provision, as well as the provision for unpaid leave of absence, applies with the necessary changes to adoptive mothers. A 1996 proposed amendment to the **Employment of Women Law-1954**, seeks to offer fathers the right to paid paternity leave so that couples may divide the twelve week period among themselves.

3. 2. 1. High Risk Pregnancy Leave

A pregnant woman who receives medical confirmation of her inability to work for a specified period may absent herself from work, without such absence affecting her seniority rights. A recent amendment to the **National Insurance Law** entitles women on high-risk pregnancy leave to receive the equivalent of their salary from Social Security (as long it does not exceed 70% of the average work force wage). Women's rights organizations, making the above comparison to men's reserve duty obligations, are lobbying to further amend this provision so as to provide for full compensation. According to the **National Insurance Law**, it is preferable that the employee arrange with her employer to work at home while on leave and thereby continue to receive her regular salary directly from her employer.

/...

3. 2. 2. Unpaid Leave of Absence

Mothers or fathers who have been employed by the same employer or at the same workplace for at least two years may take an unpaid leave of absence of up to twelve months following their maternity leave. The amount of leave they are entitled to is dependent on how long they have been employed.

3. 2. 3. Permitted Absences Upon Return to Work

For four months following her maternity leave, a woman who works full-time may absent herself from work for one hour each day, without such absence affecting her salary.

3. 2. 4. Dismissal

Terminating the employment of a pregnant woman who has been working for the same employer or at the same workplace for at least six months is illegal without permission from the Minister of Labor and Welfare. Women on maternity leave or on high-risk pregnancy sick leave may not be fired under any circumstances, nor may they be given previous notice that their employment is to be terminated during that time. Women who have chosen to take the unpaid leave of absence discussed below may not be fired during their leave without permission from the Minister.

4. Parenthood

In keeping with the requirements of the **Equal Employment Opportunities Law-1988** discussed above, the **Employment of Women Law-1954** allows fathers whose wives have been working for at least six months to take the unpaid leave of absence instead of their spouse. This applies in like manner to fathers who either have sole custody of the infant or whose wives are incapacitated. This applies, with the necessary changes, to adoptive fathers. A 1995 proposed amendment to the **Employment of Women Law** seeks to entitle adoptive fathers to a paid paternity leave in addition to the unpaid leave of absence.

Similarly, other laws which seek to protect the needs of parents allow parents the freedom to choose which one of them will take advantage of the various protections offered. For example, the **Severance Pay Law** provides that an employee who quits his or her job during the first 9 months after childbirth, in order to care for a child, is entitled to severance pay, as long as the other parent has not done the same. According to the **Sick Pay (Absence from Work due to Child's Illness) Law-1993**, parents may decide which one of them will absent him/herself from work for a combined total of six days a year in order to care for a child under the age of 16. According to the above **Equal Employment Opportunities Law-1988**, any daycare services offered to mothers, or daycare expenditures covered by employers, as well as any shortened work-days or absences offered to mothers must also be offered to fathers.

5. Affirmative Action

See discussion under Article 4, below.

6. Social Security Benefits

6. 1. The National Insurance Law (New Version)-1995

The definition of the term "housewife" in the **National Insurance Law** varies according to the context in which it is used. Generally, however, a housewife is defined as a married woman who is not employed outside of the home and is therefore not obligated to pay Social Security. While married men are obligated to pay Social Security whether or not they are employed, married women must pay only if they are employed outside the home. Until 1995, a wife who chose to stay home was not eligible for an old-age pension, unless she chose to insure herself with voluntary insurance. In 1995, **the National Insurance Law** was amended so as to include home-makers in their husband's mandatory coverage, allowing them to receive the minimum old-age pension, while still exempting them from contributions. Thus, the law now gives a certain degree of recognition to the economic contribution of home-makers. However, since "housewives" are still not considered as workers, they are not eligible for income-replacement benefits, such as employment injuries insurance, maternity allowance, unemployment benefits, and the like.

7. Taxes

As in other areas of Israeli law, significant progress towards achieving legal recognition of women's equality has been made in recent years in the area of tax law. The **Tax Code** as it was in effect upon the establishment of the State viewed the married couple as a single unit for tax purposes, with regard to the manner in which income was calculated and to the procedural obligation to report. The Tax Code obligated the man--automatically designated "household head"-- to report the joint income of his wife and himself in all instances, and denied any option for separate calculation of income. As a result, it both refused to relate to married women as taxpayers and created a situation in which it was often not economically beneficial for women to seek employment outside the home.

In 1992, the Tax Code was amended to widen the instances where separate calculation would be allowed for husbands and wives, and to grant equal recognition to married women as taxpayers. Instead of referring to "husbands" and "wives," the Tax Code now differentiates between the "registered spouse" and the "other spouse." The registered spouse may be designated according to income level, the decision of the assessing officer, or the couple's personal preference. Whereas previously only husbands were obligated to submit income reports, today this obligation rests on the "registered spouse," with both spouses criminally and civilly liable for the information contained therein. Both spouses may appeal decisions of the tax authorities, and both may receive credit points for dependents. And while the 1992 amendment continues to view the married couple as a single tax unit, it has expanded the instances in which separate calculations are permitted. Separate calculation is now allowed not only for income earned by the "other spouse" in "personal toil," but also for income earned on property either obtained by the "other spouse" at least one year prior to marriage or inherited by that spouse during marriage.

8. Employment of Women - Data and Analysis

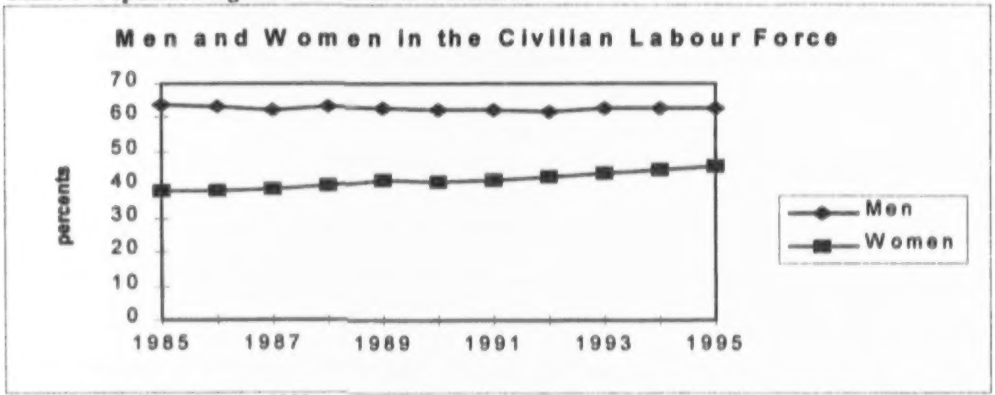
Participation in the workforce, distribution within the labor market, work patterns, and salary levels, are all significant indicators of women's situation in society. Generally, the Israeli experience has been ambiguous: while the level of women's participation in the labor market has risen dramatically over the years, reaching almost 50%, the occupational segregation and the glass-ceiling phenomenon remains entrenched, indeed the salary gap between men and women has even increased slightly in the past few years.

8. 1.Women in the Labor Market

8. 1. 1.Women's Participation in the Workforce

Participation in the workforce includes all people of 15 years of age and over who were either employed (i.e. worked for pay for at least one hour during the week of the survey) or unemployed. Women's participation in the workforce (i.e. the percentage of women aged 15 and over who belong to the civil workforce, from among all women aged 15 and over) has been steadily rising throughout the years, with a yearly increase of about 1%, whereas the men's participation has remained the same. Women's participation in the workforce reached 45.5% in 1995 (after reaching 44.7% in 1994 and 43.4% in 1993), compared with men's participation, which reached 62.6% in 1995 (after reaching 62.8% in 1993 and in 1994). Women composed 43.2% of the total workforce in 1995 (compared to 42% in 1992 and 33% in 1975). The increase in women's participation is evident in almost all age-groups, except for the youngest and the eldest. Jewish women's level of participation is higher than the overall women's participation, and passed the 50% in 1995 (50.5%). Nevertheless, increase in women's participation is taking place among Arab women as well, although the level of participation within that group was low to begin with (16.8% in 1994, compared to 16% in 1993 and 13.9% in 1992). The following graph demonstrates the steady increase in the overall women's participation in the work force:

Chart 1 -Population Aged 15 and Over in Workforce

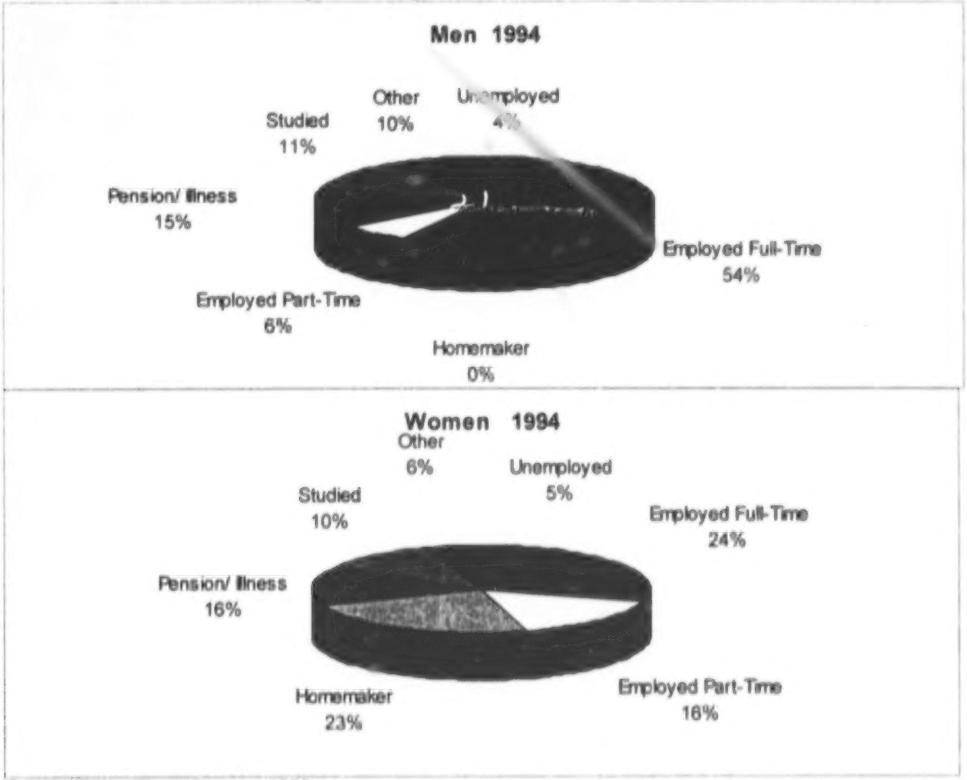


Source: Labor Force Surveys, 1995

Source: Labor Force Surveys, 1995

The following two charts demonstrate the characteristics of population groups of men and women over 15, in terms of work or of other status. The striking differences are in the work-patterns of men and women in full-time versus part-time work, and in the category of homemaker which is exclusively female by statutory definition. Note that by definition, a homemaker is not part of the labor force, since a person who is a homemaker does not work for pay, yet does not actively seek work for pay. Consequently, the work done by homemakers is not taken into account when analyzing labor force data.

Chart 2 -Characteristics of Population Aged 15 and Over



Source: Labor Force Surveys, 1995

Table 1 - Population Aged 15-34, by Work and Studies

	Jews				Arabs and Others			
Age Group	15-17	18-24	25-29	30-34	15-17	18-24	25-29	30-34
Grand Total -thousands	229.3	532.1	307.8	302.6	69.8	150.5	86.1	81.7
-percents	100	100	100	100	100	100	100	100
Men								
-thousands	118	271.2	155	152.9	35.7	76.4	43.4	40.4
-percents	100	100	100	100	100	100	100	100
Work	13	31.5	75.3	81.1	15.5	62.6	81.1	86.1
Study	9.7	6.1	11.9	5.3	1.8	1.6	1.2	1.5
Do Not Study	3.3	25.4	63.4	75.8	13.7	61	79.9	84.6
Do Not Work	87	68.5	24.7	18.9	84.5	37.4	18.9	13.9
Study	79.4	16.6	10.4	5.9	68.5	14.7	3.2	0.2
Do Not Study	7.6	51.9	14.2	13.1	16	22.7	15.7	13.7
Women								
-thousands	111.4	260.8	152.8	149.7	34.1	74.1	42.7	41.2
-percents	100	100	100	100	100	100	100	100
Work	10.8	42.3	65.8	68.6	2.1	21.5	24	24
Study	8.8	10.9	9.5	5.1	0.2	1.4	0.6	0.8
Do Not Study	2	31.4	56.2	63.5	1.9	20.1	23.4	23.2
Do Not Work	89.2	57.7	34.2	31.4	97.9	78.5	76	76
Study	83.4	17.3	4.3	1.8	75.3	15.1	2.2	0.4
Do Not Study	5.7	40.4	29.9	29.6	22.5	63.4	73.7	75.6

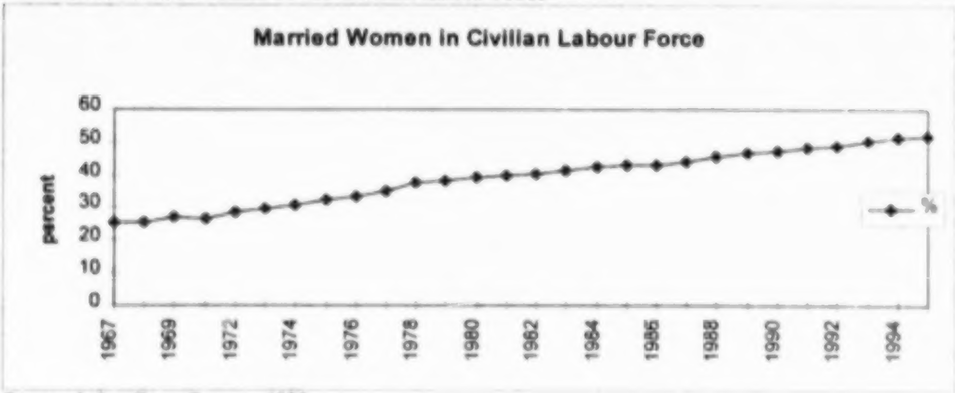
*Work and Do Not Work: including not known

Source: CBS, SAI 1996

We see from the above table that women's participation in the labor-force increases as their educational level increases. In 1995, among Jewish women with 16 years of schooling and over, 77.5% belonged to the work-force, as compared to 74.9% of the Jewish men with similar level of education. Among those Jewish women with 0-4 years of schooling, only 10.1% participate in the work force. The differences in the participation rates of women according to their years of schooling are much larger than the differences in participation of men by years of schooling. This has implications on the relative educational level of men and women in the workforce, and explains the higher educational rate of women, as discussed below.

Women's marital status, the number of children they have and their age, are all variables that greatly effect women's participation in the work-force. Consistent with the steady increase in women's overall participation in the work-force, there is a constant increase in the level of participation among married women, as shown by the following graph:

Chart 3 - Married Women in the Civilian Labor Force



Source: Labor Force Surveys, 1995

Women's participation in the work-force decreases as their number of children increases, and rises with the maturation in age of their youngest child. Thus, in 1994 74% of Jewish women with one child were in the work-force, compared with 43% of those with four children or more. 54% of Jewish women whose youngest child was less than one year old were in the work-force, compared with 71% of those whose youngest child was between 10-14 years old.

The Central Bureau of Statistics data also examine the variable of employing domestic-help and its influence on women's level of participation in the work-force. Not surprisingly, the data reveals that the level of participation increases along with the increase of weekly hours of domestic-help, from 63% among those who employ domestic-help for 7 hours a week to 76% of those who employ over 16 hours of domestic-help per week. This data supports the demand for the tax-deduction of payments for domestic-help.

8. 2. Work Patterns

One of the major differences between working women and working men in Israel is in the area of part-time work. Significantly many more women (almost three times as many) work part-time, which is defined as any work between 1-34 hours per week, regardless of how the work is officially defined. Thus, for example, in 1994, 72% of those who regularly worked part-time were women. Of all working women, 38.4% regularly worked part-time, while only 10.6% of all working men regularly worked part-time. The most common reason given for women's part-time work is child-care and housework (21%). For 18.2% of women part-time workers, the work was considered full-time (as among school-teachers). Of the men part-time workers, 24.8% were self-employed, and 18.4% studied in addition to their part-time work. For 17% the part-time work was considered full-time.

Table 2 - Employed Part-Time
1995

	Total	Men	Women
Grand Total (Thousands- Absolute No.s)	520.7	177.6	343.2
Usually Worked Full-Time (Thousands)	133	74	59
Percent	25.6	41.8	17.2
Usually Worked Part-Time (Thousands)	386.7	103	283.7
Percent	74.4	58.2	82.8
Reasons for Part-Time Work (Percents)			
Total	100	100	100
The Work is Considered Full Time	18	16.4	18.5
Sought Additional or Full-Time Work and Did Not Find	14	10	15.4
Illness and Disability	5.1	8.7	3.8
Retirement	5.7	13.1	3.2
Housewives	15.7	0.3	21.1
Studies	14.6	22	12.1
Not Interested in Full-Time Work	12.3	5.3	14.7
Other Reason	1.3	0.9	1.4
Self Employed, Employers, Kibbutz Members, and Unpaid Family Members	13.3	23.4	9.7

Source: Labour Force Surveys, 1995

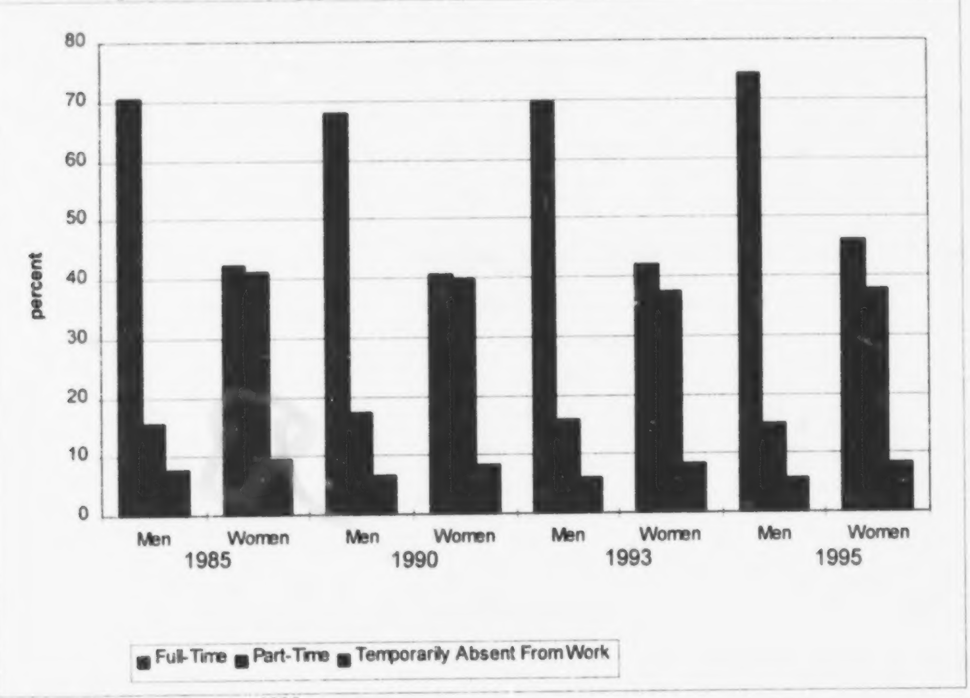
An important feature in the Israeli labor-market is the fact that part-time workers accumulate social-benefits just like full-time workers, relative, of course, to the amount of hours they actually work. Similarly, a part-time worker gains tenure just like a full-time worker. In addition, the prospect of promotion is not negated by part-time work, although it may be much slower than in full-time work.

The following graph depicts the distribution of working patterns among the total working population of men and women:

An important feature in the Israeli labor-market is the fact that part-time workers accumulate social-benefits just like full-time workers, relative, of course, to the amount of hours they actually work. Similarly, a part-time worker gains tenure just like a full-time worker. In addition, the prospect of promotion is not negated by part-time work, although it may be much slower than in full-time work.

The following graph depicts the distribution of working patterns among the total working population of men and women:

Chart 4 -Employed Persons, Aged 15 and Over



Source: Labor Force Surveys, 1995

The relatively high increase in the rate of women working full-time in the last few years is clear, and it remains to be seen whether this is a constant trend which will have implications for women's status in the labor-market.

According to data from the National Insurance Institute, there are further major differences in earnings between men and women who a self-employed, as demonstrated by the following table:

Table 3 - Self employed, by monthly income

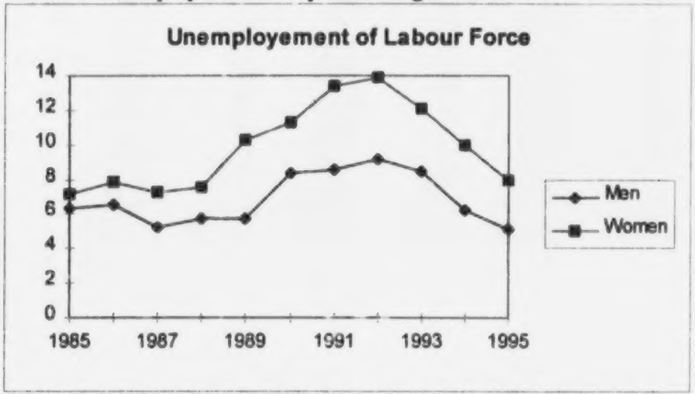
		As Percent of Average National Income							Average Income	
Sex	Total	to 25%	25%-50%	50%-75%	75%-100%	100%-150%	150%-200%	200%+	In NIS	As % of ANI
	Absolute Numbers									
Total	210,000	71,908	25,674	23,757	18,864	25,606	14,097	30,094	5,083	118.2
Men	167,175	52,414	17,497	18,267	15,884	22,412	12,791	27,910	5,720	133
Women	42,825	19,494	8,177	5,490	2,980	3,194	1,306	2,184	2,592	60.3
	Percents									
Total	100	34.2	12.2	11.3	9	12.2	6.7	14.3		
Men	100	31.4	10.5	10.9	9.5	13.4	737	16.7		
Women	100	45.5	19.1	12.8	7	7.5	3	5.1		

Source: Social Security

8. 3. Unemployment

Unemployed persons are defined as persons who did not work for pay for one hour during the week of the survey, and who were actively seeking work. As part of the general economic slowdown that occurred in Israel during the 1980's, the rate of unemployment among women rose sharply from about 6% in 1980 to 11% in 1990. The older and more educated women were those who suffered the most. The unemployment rate among women peaked at 12.1% in 1993, went down to 10% in 1994 and to 8% in 1995. The following graph demonstrates the differences in unemployment rates of men and women in the workforce throughout the last decade:

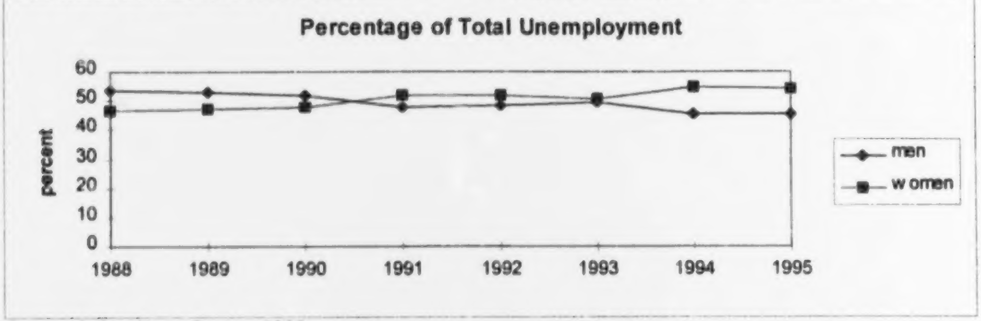
Chart 5 -Unemployment of Population Aged 15 and Over



Source: Labor Force Surveys 1995

The following graph depicts the gender makeup of the total population of the unemployed, and clearly shows the gradual process leading to over-representation of women among the unemployed, which is not proportional to their representation in the workforce in general. Thus, while women made up 43.2% of the total workforce in 1995, they made up 54.4% of the unemployed that year:

Chart 6 -Unemployment, by Years



Source: Labor Force Surveys 1995

According to the Employment Service, which is the governmental agency in charge of referring unemployed persons to available jobs, 55% of all those seeking work in the last few years were women. This rate is particularly high among unemployed women who lack job-qualifications; in some areas 70%-80% of those who are unemployed are unqualified women. Furthermore, unemployment is not evenly distributed throughout the country, and there are specific areas, particularly in development localities in the south, where the unemployment rate of women reached 15.4% in 1995 (the men's unemployment rate was high as well, 11.1%, but not as high as women's.)

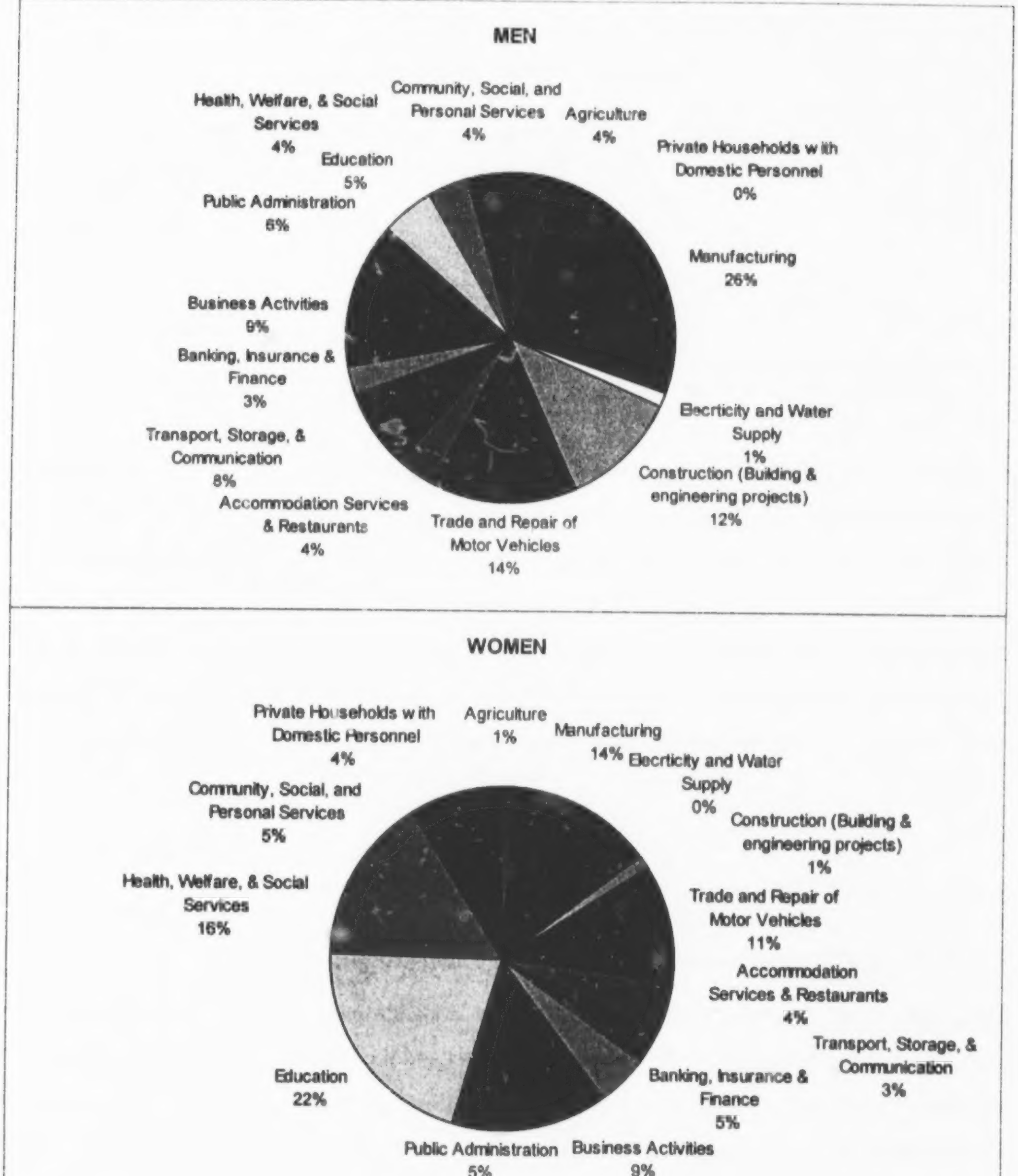
8. 4. The Careers of Women: Levels and Salaries

8. 4. 1. Women's Occupational Distribution and Gender Segregation

Since the Central Bureau of Statistics switched to using the new classifications of economic branches and occupations in 1995, based upon the UN and the International Labor Organization recommendations, most of the data presented here will relate to the recent 1995 survey alone. The following section will analyze these data to show the gender segregation in the Israeli labor market, both in economic branches and in occupational categories.

The following charts depict the distribution of men and women in 14 primary branches of the economy.

Chart 7 -Employed Persons, by Economic Branch, 1995



Source: Labor Force Surveys, 1995

The following table presents the average amount of weekly work hours of men and women in each economic branch; considerable differences in earning gaps are evident.

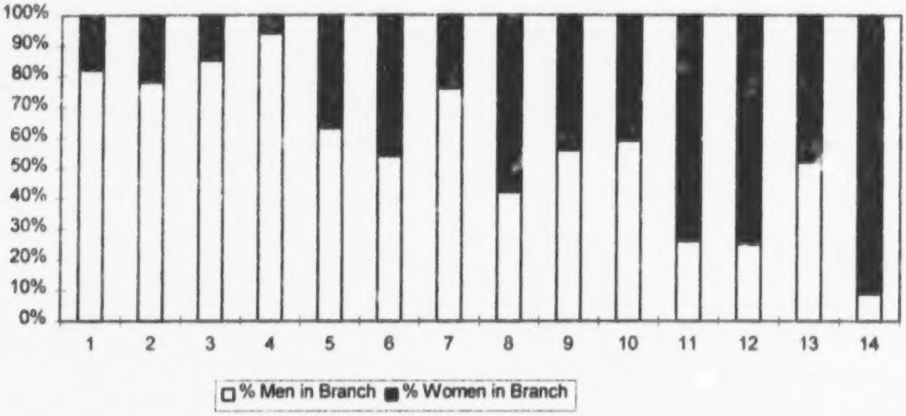
Table 4 - Average Weekly Work Hours, and Percent in each Branch

	Men		Women	
Economic Branch	% in Branch, Out of Total Employed Men	Average Weekly Work Hours	% in Branch, Out of Total Employed Women	Average Weekly Work Hours
Total	100	45.5	100	33.7
Agriculture	4.2	45.9	1.2	37.4
Manufacturing	26	46.4	13.6	38.8
Elecrticity and Water Supply	1.5	46.4	0.3	36.8
Construction (Building & engineering projects)	11.8	46.5	1	36.4
Trade and Repair of Motor Vehicles	14	47.7	11.1	35.7
Accommodation Services & Restaurants	4	45.6	4.4	35.6
Transport, Storage & Communication	7.8	47.5	3.3	36
Banking, Insurance & Finance	2.6	44.2	4.7	37.8
Business Activities	8.9	45.5	9.3	35.2
Public Administration	5.6	45.2	5.3	36.9
Education	5.4	36.9	21	29.5
Health, Welfare, & Social Services	3.8	43.3	15.6	32
Community, Social, and Personal Services	4.3	41.7	5.4	30.7
Private Households with Domestic Personnel	0.2	28.2	3.6	21.8
Not Known		37.8		33.7

Source: Labour Force Surveys, 1995

The following graph depicts the relative percentage of men and women in each branch of the economy. Several branches are predominantly male: agriculture, manufacturing, electricity and water supply, construction (building and civil engineering projects), transport, storage and communication. The predominantly female branches include: education, health, welfare and social services, and private households with domestic personnel.

Chart 8 -Percent of Men and Women in Each Branch



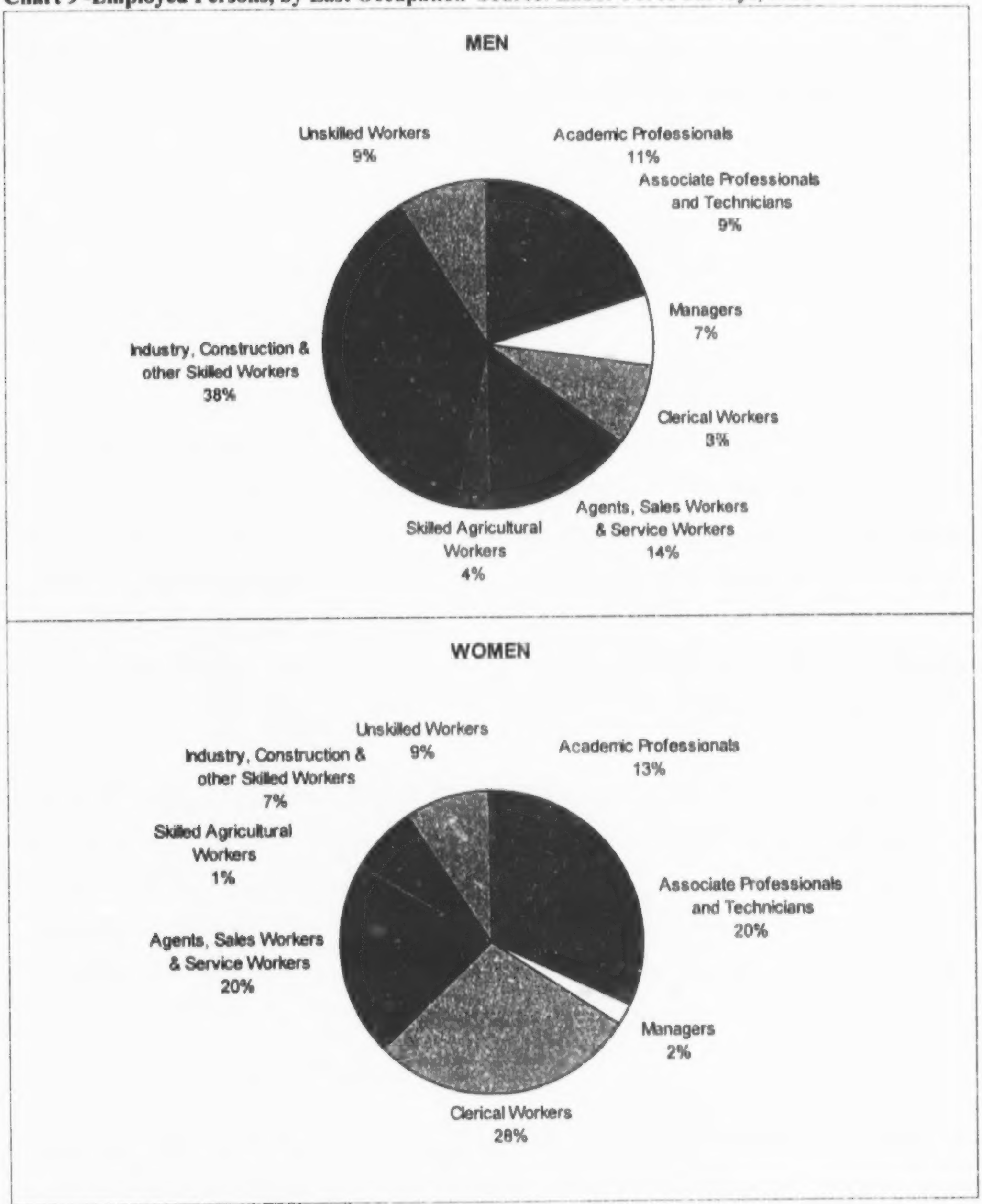
Branches (left to right):

1 Agriculture
2 Manufacturing
3 Elecrticity and Water Supply
4 Construction (Building & engineering projects)
5 Trade and Repair of Motor Vehicles
6 Accommodation Services & Restaurants
7 Transport, Storage & Communication
8 Banking, Insurance & Finance
9 Business Activities
10 Public Administration
11 Education
12 Health, Welfare, & Social Services
13 Community, Social, and Personal Services
14 Private Households with Domestic Personnel

Source: Labor Force Survey 1995

Work-segregation is further evident when examining data regarding women's and men's occupation. In 1995, close to 30% (28.3%) of the employed women were clerical workers (a figure that has remained unchanged since 1980) compared to 8% of men, and more than 20% (20.4%) of employed women were agents, sales workers and service workers (compared to 14.4% of men). More encouraging figures concern women academic professionals (12.5%) and associate professionals and technicians (19.5%), rates that are higher than the rates of the employed men in these occupational categories (11% and 9.4% respectively). However, it should be noted that most women in these occupational categories are teachers, nurses, social workers and the like, mostly in the public services. 38% of the employed men are concentrated in industry, construction and other skilled work, (compared to only 7% of the employed women).

Chart 9 -Employed Persons, by Last Occupation Source: Labor Force Surveys, 1995



Source: Labor Force Surveys, 1995

8. 5. The Glass Ceiling

Comprehensive data which documents the existence of a glass-ceiling at all levels of the labor market is difficult to gather, since it necessitates a complete breakdown and analysis of the job-structures within all economic branches, both in the public and private sector.

One piece of data that is examined by the Central Bureau of Statistics (CBS) and is relevant to a discussion of workplace hierarchies, concerns men and women workers in managerial positions. As management is not just an occupation, but represents authority and command (Izraeli, 1994), this data is indicative of women's overall position in the workforce. According to the CBS data from 1995, 6.9% of all working men were managers, while only 2.2% of all working women were managers. Of the total managers, 19.5% were women (18,700 out of 96,000). This represents a certain increase when compared to 1990 data, when the rate of women in management positions was 18% of all managers (12,000 out of 66,000). The CBS data further indicates that women made more than 25% of the increase in total managers during the decade between 1980-1990. Notwithstanding the gradual increase of women's representation in managerial roles, their rate is still very low when examined in light of the increase in the general rate of women in the workforce.

For example, the Union of Industrialists recently conducted a survey of 152 hi-tech corporations to examine the situation relating to women in managerial positions. The survey revealed that 14% of the total managers in these companies are women (totaling 900 women), while in 51% of these corporations there were no women managers at all. On the other hand, among the larger corporations (those with 100 employees and more,) 44% have more than one woman in managerial positions. The average age of the women managers is 39, and 77% of them are married.

The structure of women's positions in the Civil Service has been dealt with extensively under Article 7. Since information on this issue is available, and since the Civil Service is a public institution which is subject to on-going scrutiny and inspection, both formal and informal, it is illuminating to examine gender stratification in the Civil Service as an example of gender stratification in the labor-market. However, it should be noted that less than 4% (3.8%) of all working women directly belong to the civil service (32,131 out of 835,700 in 1995). The

/...

significant fact regarding gender stratification in the Civil Service is that while women made up close to 60% of all workers in the Civil Service in 1995, only 10.5% of the senior staff were women.

8. 6. Salary and Earning Gaps

In all branches of the labor market, a male employee's average monthly income was 1.7 times higher than that of a female employee (1992-1993). In other words, women's average monthly income was less than 58% than that of men. This is partly explained by the differences in the average weekly work hours, which were 46.3 for men and 34.1 for women. However, the data shows that a large gap exists in the average income per hour as well, which was 1.25 times higher for men. In other words, women's hourly income is 80% of that of the men.

This gap remains constant when other variables are taken into consideration. For example, men with 5-8 years of schooling earned 38% more per hour than women with a similar educational level. Among those with 13 years of schooling and over, men's average income per hour was 30% more than women's. The gap in income per hour increases with age, from 12% among 25-24 years olds, up to 37% among the 45-54 year olds. Even within those occupations which are dominated by women, such as clerical work, the men's hourly income is 34% more than the women's (1992).

The following four tables present a more complete picture which illustrates the break-down of earnings by age, educational level, economic branch and occupation. The tables show that when the relevant variables of women and men employees are the same, the monthly and hourly salary gaps remain constant:

Table 5 - Gross Income, by Age

	Age						
	Total	15-24	25-34	35-44	45-54	55-64	65+
All Employees							
Individuals in the Population (Thousands)	1296.9	190.2	370.4	352.2	236.1	123	25
Average Gross Income (NIS) -per month	3000.7	1502.8	269734	3426.4	3755.9	3687	2384.8
-per working hour	18.2	10.7	15.9	19.9	22.1	22.1	20.6
Average Working Hours per Week	40.9	39.6	42.1	41.4	40.8	39.9	28.4
Men							
Individuals in the Population (Thousands)	708.4	99.6	203.2	181.1	127.9	77.6	19
Average Gross Income (NIS) -per month	3704.5	1741.4	3167.8	4349.8	4846.6	4476.4	2741.7
-per working hour	19.7	11.2	16.4	21.6	24.7	23.5	21.8
Average Working Hours per Week	46.3	43.6	47.5	48.1	47.1	44.8	30.3
Women							
Individuals in the Population (Thousands)	588.6	90.6	167.2	171.1	108.2	45.5	6
Average Gross Income (NIS) -per month	2153.7	1240.5	2125.5	2448.6	2467.1	2339.7	1259.7
-per working hour	15.8	10	15.1	17.3	17.8	18.5	14.8
Average Working Hours per Week	34.1	35.1	35.3	34.3	33.3	31.1	21.9

Source: CBS, Income of Employees 1992-93

Table 6 - Gross Income, by Years of Schooling

	Years of Schooling						
	Total	0 to 4	5 to 8	9 to 10	11 to 12	13 to 15	16+
All Employees							
Individuals in the Population (Thousands)	1296.9	23.3	111.8	145.9	476.6	292.8	244.3
Average Gross Income (NIS) -per month	300.7	1908.9	2299.1	2337.4	2662.8	3160.8	4295.6
-per working hour	18.2	12.4	13.7	14.1	16	19.8	25.8
Average Working Hours per Week	40.9	37	40.7	42	42.1	39.3	40.3
Men							
Individuals in the Population (Thousands)	708.4	13.3	73.9	96.3	252.8	137.4	133.5
Average Gross Income (NIS) -per month	3704.5	2405.4	2743.4	2772.3	3290.4	4117.1	5408.5
-per working hour	19.7	13	14.8	15.1	17.4	21.9	27.9
Average Working Hours per Week	46.3	43.8	44.8	46.3	47.1	46.1	46.3
Women							
Individuals in the Population (Thousands)	588.6	10	37.9	49.6	223.9	155.5	110.8
Average Gross Income (NIS) -per month	2153.7	1252.6	1432.6	1493.3	1954	2316	2954.1
-per working hour	15.8	11.2	10.7	11.5	13.8	17.2	22.1
Average Working Hours per Week	34.1	27.8	62.7	33.5	36.3	33.2	32.8

Source: CBS, Income of Employees 1992-93

Table 7 - Gross Income, by Economic Branch

	Economic Branch									
	Total	Agriculture, Forestry & Fishing	Industry (Mining & Manufacturing)	Electricity & Water	Construction (Building & Public Works	Commerce, Restaurants Hotels	Transport, Storage & Communication	Financing & Business	Public & Community Services	Personal & Other Services
All Employees										
Individuals in the Population (Thousands)	1296.9	13.2	296.4	13.6	83.7	163.8	71.1	145.3	413.7	90.8
Average Gross Income (NS) -per month	3000.7	2180.9	3254	4988.2	2990.1	2507	3769.4	3518.4	2973.1	1673.6
-per working hour	18.2	13.4	17.5	28.9	16.1	15.3	20.4	21.1	19.9	13.1
Average Working Hours per Week	40.9	42.5	45.7	48.2	47.6	42.3	45	40.7	36.5	32.4
Men										
Individuals in the Population (Thousands)	708.4	8.7	217.9	10.9	77	87.6	47.8	66.5	153.4	35
Average Gross Income (NS) -per month	3704.5	2579.3	3711	5443.2	3010.2	3315.5	4301.8	4482.1	4011.2	2427
-per working hour	19.7	14.9	19	27.8	16	17.8	21.8	24.4	21.8	14.1
Average Working Hours per Week	46.3	43.5	47.5	47.9	48.5	48.9	48	44.6	44.3	44
Women										
Individuals in the Population (Thousands)	588.6	4.5	78.5	2.7	6.7	76.3	23.3	78.8	260.3	55.8
Average Gross Income (NS) -per month	2153.7	1408.9	1986.3	3150.8	2832.3	1578.8	2679	2704.8	2361.2	1202.3
-per working hour	15.8	9.9	12.4	21.7	16.5	11.4	16.9	17.9	18.3	12.1
Average Working Hours per Week	34.1	40.3	40.6	38.7	37.9	36.8	38.7	37.4	31.7	25.2

Source: CBS, Income of Employees 1992-93

Table 8 - Gross Income by Occupation, 1993

	Occupation									
	Total	Scientific and Academic	Professional and Related	Administrators and Managers	Clerical and Related	Sales	Service	Agricultural	Industry, Mining, Building and Transport Skilled	Industry, Mining, Building and Transport Other
All Employees										
Individuals in the Population (Thousands)	1,296.90	116.1	216.9	67.4	246.1	85.8	199.7	13.5	295.4	47.8
Average Gross Income (NS) -per month	3000.7	4468.1	3236.5	6809.6	2784.9	2912.3	1580	1676.8	2781.2	1911.6
-per working hour	18.2	27.3	22	31.8	17.5	16.8	11.7	10.5	14.8	11.2
Average Working Hours per Week	40.9	39.5	36	50.1	39.1	43.1	34.7	42.5	46.9	46.1
Men										
Individuals in the Population (Thousands)	708.4	67.7	81.3	53.4	72.4	45.3	73.8	10.3	261.1	36.6
Average Gross Income (NS) -per month	3704.5	5462.6	4397.3	7320.8	3601	3933.5	2293.3	1918.3	2936.1	2055.1
-per working hour	19.7	28.6	24.2	32.9	21	19.6	13.3	11.6	15.4	12
Average Working Hours per Week	46.3	45.3	44	52	43.3	48.6	44	42.1	47.5	45.9
Women										
Individuals in the Population (Thousands)	588.6	48.5	135.6	14	173.7	40.5	126	3.2	34.2	11.2
Average Gross Income (NS) -per month	2153.7	3080.1	2540.5	4882.4	2361.5	1769.1	1178.3	888.2	1600.1	1442.3
-per working hour	15.8	24.4	20.1	28.8	15.7	12.4	10.3	6.2	9.7	8.7
Average Working Hours per Week	34.1	31	31.2	42.8	37.2	36.7	29.3	44	42	42.4

Source: CBS, Income of Employees 1992-93

Data published by the National Insurance Institute (NII) revealed that the monthly average salary of women was 55% of the monthly average salary of men during the years of 1992-94. The yearly average income of women was even lower, comprising 51% of men's salaries in 1992,

Best copy available

54% in 1993, and 52% in 1994. Examination of the estimations based upon the NII 1995 income survey regarding the overall rate of employees who earn less than the minimum wage (described below) reveals that 26% of all women employees do not reach the minimum wage, while only 11.7% of all men employees earn less than the minimum wage. In other words, 69% of all employees who earn less than the minimum wage are women.

Dr. Linda Efroni's specific investigation of the civil-service revealed a salary gap of 29% between men and women's average monthly salary for full-time work in 1988, slightly diminishing to 28% in 1990 (Efroni 1990). Recent data supplied by the Treasury Department indicates that the overall salary gaps between men and women have decreased somewhat, so that in 1996 the gap stood at 24%.

There is some evidence that women are unaware of these salary gaps. For example, a recent survey of employed women revealed that half of the women believed that their earning level was similar to their men co-workers' earning level (Natanzon 1997). Only 24% of the women indicated that they were aware of salary discrimination.

9. Vocational and Professional Training for Women

The primary governmental organization that provides vocational training is the Division for Training and Development at the Ministry of Labor and Welfare. Within this Division, a Unit for the Advancement of Women and Girls was established in 1996, signaling awareness of the special needs of women who seek vocational training. Among this Unit's goals is to increase professional options for women in order to improve their integration into the workforce. During 1996, the Unit created special workshops for women in the areas of self-empowerment, orientation in job-search, entrepreneurship and more. Specific workshops for Bedouin and Arab women, immigrant women, women in the army and single-parent women were also offered. Special initiatives were taken together with the IDF, local councils and municipalities and the Ministry of Education, to encourage young women to continue their education in technological fields after completing their military service.

Vocational training is also supplied by the Ministry of Labor and Welfare to unemployed persons, during which the trainees receive unemployment benefits. The conditions for eligibility are that the person has worked in the previous two years for a certain period of time. These conditions limit the options of women who have not been part of the workforce in the past, as they are ineligible for receiving unemployment benefits during the period of vocational-training. The 102 vocational courses can be roughly divided into three categories: courses that are attended mainly by men which comprise 51% of the total courses; 24% of the total courses that are attended mainly by women and offer training in traditional women's professions; and mixed courses that make up the remaining 25%. Those that are attended primarily by men offer training in higher paying professions and they tend to be longer (6 months in average), thus enabling participants to receive unemployment benefits longer. The "women's" courses are shorter (up to 3.5 months in average) and qualify in professions with fewer and lower paying job opportunities. In sum, although women comprised 44% of all trainees in these courses in 1996, which is an impressive increase compared to previous years, close to two-thirds of the training hours are allocated to men.

The time budget survey conducted by the Central Bureau of Statistics in 1991-92 reveals interesting differences between men and women's participation in vocational courses and professional training.

The following two tables, taken from two different surveys of the CBS, indicate the distribution of men and women trainees within the various types of courses offered. Women are clearly concentrated in book-keeping, dressmaking and nursing, while men are more often given training in "men's jobs" such as electronics, engineering and metalwork.

Table 9 - Participation of Men and Women in Vocational Training by Subjects, 1995

	1995			
	Thereof: Training			Total
	Women	Men	Total	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Type of Course				
Vocational Training	45,096	59,108	104,204	104,204
Supplementary Training				13,746
Vocation				
Building	68	4,994	5,062	5,205
Woodwork	94	576	670	670
Metal Work	136	2,722	2,858	2,889
Mechanics	58	3,842	3,900	4,290
Electricity and Electronics	957	6,759	7,716	8,226
Practical Engineering	4,425	11,263	15,688	15,688
Programming	2,169	1,570	3,739	3,739
Bookkeeping	14,368	4,696	19,064	19,115
Clerical Work	1,892	523	2,415	2,430
Hotel Keeping	2,015	1,987	4,002	13,324
Nursemaids	3,388	346	3,734	3,892
Paramedical Occupations	1,070	176	1,246	1,246
Hairdressing, Beauticians	2,589	711	3,300	3,329
Dressmaking	2,998	547	3,545	3,545
Driving	174	8,902	9,076	10,095
Miscellaneous	8,695	9,494	18,189	20,267

Table 10 - Participation Rates of Men and Women in Vocational Training by Fields, 1991-2

		Women	Men	Total
POPULATION - TOTAL	Thousands	1,316.10	1,247.40	2,563.50
	Percents	100	100	100
Thereof: Studied in vocational or supplementary training courses during 5 years		31.5	33.5	32.5
Thereof: studied in vocational courses during a year		7.2	5.9	6.6
Thereof: studied in supplementary traing courses during a year		14.7	15.3	15
Vocational Courses				
Total Students during a year	Thousands	95.2	73.5	168.7
	Percents	100	100	100
Field of Training				
Clerical, Accounting, Insurance		30.2	6	19.7
Programming and Computers		21.2	16.4	19.1
Management, Human Relations, Communications		7.3	16.1	11.1
Teaching, Guidance		14.3	1.9	8.9
Other		27	59.6	41.2
Supplementary Training				
Total Students during a year	Thousands	193.4	191.2	384.5
	Percents	100	100	100
Field of Training				
Clerical, Accounting, Insurance		8.9	6.1	7.5
Programming and Computers		12	16.8	14.4
Management, Human Relations, Communications		8.5	12.1	10.3
Teaching, Guidance		38.8	2.3	20.7
Other		31.8	62.8	47.2

Source: CBS Time Budget Survey, 1991-92

10. Childcare

The childcare system in Israel is composed of both public and private programs. The public system for children up to three years of age consists of day-care centers (which operate from 7:00 am-4:00 pm) that are run by various women's organizations under the supervision and support of the Ministry of Labor and Welfare and smaller "family-centers" for up to five children, which are run by individuals in their own homes, under the license and supervision of the Ministry of Labor and Welfare. The public system for children between 3-5 years of age is made up of pre-school programs (kindergartens) (which operate from 7:30 am-1:20 pm, with possible extension programs to 4:20 pm) run by the local municipalities under the supervision and support of the Ministry of Education. In addition to the public system, there are many private day-care institutions for children up to 5 years of age. As the public system for the 3-5 years old expands, private kindergartens have increased their services for younger children. The private kindergartens and day-care centers are under no governmental supervision and do not receive governmental support. There is, however, a union of private kindergartens and many of them are members.

There are no accurate statistics on the attendance rates in each age group and their distribution among the public and the private systems. The CBS publishes overall attendance rates, based on its labor-force surveys. The following table presents its estimations regarding the Jewish population alone:

Table 11 - Children in Kindergartens, by children's age (Hebrew Education)

percents of respective population group

	1976/77	1988/89	1993/94
Age 2- Total	49	47.5	68.6
Thereof: in day nurseries	13.5	31.2	25.7
In Public Kindergartens	18.3	44.1	43.1
In Private Kindergartens	30.7	30.4	25.6
Age 3- Total	85.6	96.1	95
Thereof: in day nurseries	11.8	18.9	19.4
In Public Kindergartens	43.6	74.6	79.1
In Private Kindergartens	42	21.5	15.9
Age 4- Total	96	98.5	99
In Public Kindergartens	83.5	94.9	96.5
In Private Kindergartens	12.5	3.5	2.5

Source: CBS, SAI 1996

In 1996, the Ministry of Labor and Welfare operated 1532 day-care centers and 1643 family-centers all over the country. 12,000 of the 70,000 children attending day-care centers were referred to the welfare system because of dysfunctional families. These children have first priority in admission to publicly funded daycare, followed by children whose mothers work in specific areas that represent national needs (such as security forces, hospitals, and the like); priority is then given to children of single-parent families; children of distinctly large families;

children whose mothers work over 40 hours a week; and children whose mothers work full-time in occupations that demand fewer hours per week, such as teachers. In 1994, the Ministry added children whose mothers are full-time students to those who get priorities in admission. According to the head of the Division on Employment and Women's Status, the quota for "welfare" children is too low, and more resources are needed to allow disadvantaged children to be cared for by the day-care system.

The tuition fees in the public day-care system are calculated on a sliding scale, according to the families' income and the number of family-members. In March 1997, the cost of tuition for a baby (from 6 to 18 months) was NIS 1171 (about $350) per month, and for a child (from 1.5 - 3 years) it was NIS 891 (about $270) per month. Parents of "welfare" children paid only NIS 312 per month for a baby, and NIS 237 per month for a child, the rest being subsidized by the Ministry of Labor and Welfare. The Ministry's subsidy composes 20% of the total cost of the system's operation, which in 1996 was to close to 1 million US dollars. The tuition paid by the parents accounts for 75% of the total cost, and the remaining 5% is supplied by the various women's organizations which operate the centers. Governmental support is also expressed in allocating budgets for building the centers, and for purchasing the equipment they need. These budgets come from the Ministry of Labor and Welfare, the Ministry of Housing, and revenues from the Lottery Institute and the Estates' Foundation.

About half of the day-care centers are currently run by three women's organizations: Na'amat, WIZO, and Emunah. Other women's organizations have joined these three in operating day-care centers. The remaining half of the day care centers are run by two other organizations - the Local Councils Organization, and the Kibbutz Movement. The Arab population suffers from a serious shortage of day care centers, and most of the centers that do operate in Arab sectors are only open until 2:00 pm.

11. Enforcement of Employment Legislation

11. 1. The Department of Supervision of Labor Laws of the Ministry of Labor and Welfare

This Department supervises the enforcement of a number of labor laws, including the **Women's Labor Law - 1954,** discussed in the beginning of this Article. The applications to the Department can be classified in two categories: 1) Complaints from women who have been discharged from their employment during pregnancy. 2) Employers' applications for termination permits.

In 1995 there were 840 applications submitted to the department regarding the termination of women's employment during pregnancy (as compared to 774 applications in 1994), of those 336 reached a compromise (as compared to 303 in 1994). Investigations which resulted in conclusive findings were conducted in 504 of the applications (as compared to 471 in 1994), and termination of employment permits were granted in 53% of the cases (as compared to 43% in 1994). In 1996 there was a clear rise in the number of applications which peaked at 970. Of those, 400 reached a compromise and 570 investigations were conducted, the final result of which will only be available in mid-1997.

11. 2. The Department of Labor Law Enforcement

11. 2. 1. The Equal Employment Opportunities Law

The Department of Labor Law Enforcement employs 59 supervisors. Two supervisors deal with the enforcement of the Equal Employment Opportunity Act. The supervisors investigate complaints of sexual harassment and discrimination on the basis of age, sex, religion or military profile. In addition, the act requires all employers to advertise job offers in both male and female grammatical forms. In order to enforce this section of the act, the Department issues a warning to publishers. These complaints are generally initiated by the Department itself after reviewing radio and newspaper advertisements.

The **Equal Employment Opportunities Law-1988** does not impose administrative penalties on employers who do not correct faulty or discriminatory advertisements, rather such employers are to be prosecuted in the labor law courts. The Department of Labor Law Enforcement has not brought any criminal charges to date. The Department conducts investigations and requires corrections of the practice, when the investigation results in findings of discrimination.

The majority of the cases dealt with by the department pertain to want ads (162 of the total 188 in 1996). In 1996, only 23 of the cases involved discrimination (including discrimination on the basis of age and race), 19 of which resulted in no findings. Only two cases were sexual harassment cases, one of which resulted in no findings. All 162 of the cases which pertained to discriminatory advertisements resulted in conclusive findings. All employers who were investigated regarding their advertisements have corrected them following the Department's requests through phone or written correspondence, with no need for prosecution.

In comparison, over the course of 1996, the Israel Women's Network's "Struggle Against Discrimination" hot line received 302 complaints, of those 42% were based on discrimination at work, and sexual harassment - in other words, 157 complaints of discrimination prohibited by the **Equal Employment Opportunities Law -1988** .

According to section 19 of the **Equal Employment Opportunities Law-1988,** a public council must be established to consult the Minister of Labor and Welfare on issues concerning the application of this law and the increase of public awareness of equal opportunity rights. In addition, this council establishes conditions and facilities to enable women to enter the work force. A council of this kind was appointed and functioned until 1993, at which point it disbanded. A new council has not been appointed since.

11. 2. 2. Minimum Wage Law

The **Minimum Wage Law -1987** sets a minimum wage for the employment of workers in proportion to their scope of employment. Hence, the **Minimum Wage Law** entitles workers earning below the minimum wage level (which is currently set at 45% of the average wage) to a wage supplement up to the minimum level, to be paid by their employers.

The **Minimum Wage Law** is enforced through self-initiated employee complaints, and through processes that are initiated by the Department of Labor Law Enforcement. For the purpose of enforcement of this law, the Department employs 11 supervisors who are divided into five teams which investigate worker's wages (both youth and adult) around the country. These teams work in conjunction with the Labor Union, the Worker's Council and the worker's hot line.

An employer who is found in violation of the law is sent a warning which insures payment of back salary. An employer who refuses to pay back salary is prosecuted or fined 2500 NIS (approximately $760) per employee per month. This figure is specified in the law and does not represent the difference between wages according to the law and wages actually paid by the employer.

Most research of the Israeli market indicate that adherence to the **Minimum Wage Law** is low, as is the level of enforcement.

12. Women's Employment among the Arab Population in Israel

12. 1. Trends in Occupations in Arab Villages

When discussing Arab women, a distinction must be made between women living in cities and women living in villages: Arab city women consistently enjoy a more prominent status in most realms of life than do those women who reside in villages. However, over 90% of Israeli Arab women live in villages.

Most Arab villages are located in Israel's periphery, far from Israel's centers of economic activity. In the past, agriculture was an integral source of income for Arab villages. The nature of the agricultural activity allowed women to play a leading role, while maintaining their traditional role as housewives. Down-sizing in the agricultural industry, which occurred as a result of the expropriation of farm lands, shifted the main economic focus of the villages to city work and left a vacuum in the job market for Arab women. Although many village men moved into the modern work sector, their female counterparts could not and did not leave their traditional roles. Thus, while men left their villages to work in the Israeli cities, women remained at home to run the households, look after the children, and work the fields, without tangible compensation.

The first wave of Arab women seeking work outside of their villages began in the 1960s; most

/...

of these women found work in nearby Jewish villages and cooperatives. The work did not require any formal education or literacy. In the 1970s, Arab women began to take on blue collar positions in factories set up near their villages. Many Arab village women worked in the textile industry, and have remained employed there. In 1987, 17% of the employees in the textile industry were Arab women, and by 1989, the percentage of Arab women who worked in the textile industry reached 29%. Many sewing shops were also established inside the villages, the owners of which were sub-contractors for the large, centrally located Israeli textile factories in Israel. The investors increased their profits by employing Arab village women with little education for low wages. The difficult conditions of employment for these women, which often include long workdays, are particularly straining for married Arab village women, who are expected to play dual roles, both as housewives and wage-earners.

During the 1990s, more Arab women have entered the Israeli job market, particularly the unskilled labor market, in order to help their families carry increasing financial burdens. Like their male counterparts, the majority of Arab village women still hold menial jobs and are compensated accordingly. In many instances, their compensation does not meet the minimum wage standards nor are they properly compensated for working overtime. However, it should be noted that in recent years more Arab women have been filling positions which require a high-school education. A significant percentage of these women teach in Arab schools, mostly elementary schools.

12. 2. Workforce Size and Unemployment Rate

Of the 350,000 Arab women who are of working age (over 15), about 83% (253,500) do not belong to the work force. The rate of unemployment among Arab women who belong to the workforce as determined by the numbers that are registered at the Employment Bureau, exceeds the unemployment rate in Israel (11.7% are unemployed, as opposed to 9.9% of their Jewish counterparts), and is especially high amongst Arab village women. However, many Arab women of working age, and specifically Arab village women, do not register themselves at the Employment Bureau, and consequently they do not enjoy unemployment benefits. Usually there are two reasons for why these women fail to register:

1. The women's parents or husbands do not allow them to leave their village for this purpose.

/...

2. The high rate of unemployment creates pessimism in terms of their chances of finding work, even through the Employment Bureau.

3. In many cases ,the expense of the trip to the Bureau is a deterrent, since it is usually far from the village.

Currently, many jobs traditionally occupied by Arab women may be eliminated due to economic difficulties in the textile industry and decreased need for hand-sewn materials. There exists a very real possibility that about 11,000 women, which account for over 20% of the Arab women's workforce, will lose their jobs without finding alternative employment opportunities in the industry. The employment Bureau has been involved in an effort to rehabilitate some of these factories and sewing shops, in order to protect the livelihood of the Arab women employees.

Researchers conclude that the percentage of Arab village women who actually participate in the work force is much lower than their potential participation in the Arab work force. Despite the growth of this proportion since the 1960s, when a mere 9% of Arab women participated in the work force, both the proportion and its rate of growth remain significantly lower than that of Jewish women.

12. 3. Causes for Unemployment

The reluctance of the traditional Arab communities to allow women to work outside their homes stems from religious, social, and economic concerns. Several elements of the local social and economic infra-structure within villages have had an adverse effect on the scope of employment opportunities amongst the Arab village women:

1. The Arab villages are usually satellites of nearby Jewish cities and villages, from which the Arab villages receive their goods and services. Consequently , the Arab villages have not developed their own commercial centers or institutions which provide jobs, particularly for the female Arab work force. Branches of industry in which a relatively high proportion of Arab women are employed, such as the manufacturing industry, were also not developed in the Arab villages. Instead, most of the industrial ventures in the Arab villages were products of small, private ventures which could not absorb large numbers of workers, especially not women. The

villages did not receive any work from outside sources other than sewing shops. In contrast to the opportunities offered by outside employers to women in nearby Jewish villages, no employers in advanced industries have been offering work opportunities for the women within villages.

2. Lack of fluency in Hebrew among Arab village women limits the scope of employment opportunities in Israel and decreases their chances of obtaining jobs, particularly in the Jewish cities and villages. Since the same opportunities to learn Hebrew exist for Arab women in both cities and villages, the difference in their levels of proficiency in Hebrew has been attributed to the effect of learning Hebrew in informal settings, namely through direct contact with the Hebrew-speaking Jewish population. Studies indicate that 61% of Arab women speak Hebrew and only 22% of employed Arab women do not speak Hebrew.

Table 12 - Knowledge of Hebrew and Its Effect on Work Participation

	Degree of Participation	Of Those Who Participate	Of Those Who Don't
Knowledge of Hebrew		100%	100%
Fluent	60.9	82.1	46.9
Speaking Only	17.4	3.8	6.5
Reading and Writing	16.9	10.4	19.7
None	4.8	3.4	26.9

Source: Natanzon 1996

3. That Arab village women do not take full advantage of the work opportunities available to them can be understood as a result of the traditional Arab lifestyle in which women are largely confined to the home.

12. 4. Differences in Employment Patterns Amongst Single & Married Arab Women

The ability to work outside the home can serve as a litmus test for examining the various different in statuses among women in Arab society at different stages of their lives. In the lower socio-economic sectors of Arab society, and especially in large families, single women are considered to be an integral source of income to the family, though often, these single women express dissatisfaction with the fact that their salaries must often be donated entirely to their families. In upper-class sectors of Arab society, the degree of independence which a single Arab woman enjoys is directly related to her parents' status and their attitude towards their daughters as autonomous beings. Thus, the percentage of both single upper-class and lower-class women working is relatively high: upper-class women work because of positive attitudes towards their abilities and role as workers, while the lower-class women work for strictly financial reasons. However, both groups of single Arab women enjoy a greater degree of freedom than married Arab women.

Arab society confers a special social and economic status to married women. For example, women may pursue their education until their wedding, at which point they may only obtain jobs which do not conflict with their ability to raise children. The labor force participation of Arab and Druze women has been found to peak at ages 18-24, and decline with marriage or the birth of a first child. Thus, after marriage, most Arab women lose much of the independence they enjoyed as single women.

Despite the social advancement of Arab women and the increasing openness to women's issues in Arab society, social norms still confine the married women to the role of caretakers of their husbands and children. According to the traditional gender-roles in the Arab family, a married woman is not obliged to take a part in providing the family income as long as there is no economic need for her to work, and as long as the expected compensation for her work outside the home is not significantly higher than the expenses which arise from leaving the house. Currently, most Arab women elect to stay at home and care for their children.

Many Arab women who work elect to take part-time positions. Thus, the percentage of employed Arab women who hold part-time positions is twice as large as the percentage of men employed part time (a corresponding percentage is found in Israeli society at large, as seen above). Moreover, twice as many Arab village women work in part-time jobs as do Arab city women.

Table 13 - Work Patterns of City and Village Arab Women

	Full Time	Part Time	Hourly
Type of Locality			
Cities	73	16.2	10.8
Villiages	49.3	38	12.7

Source:Natanzon 1996

/...

This is due to the fact that many of the village women hold temporary seasonal jobs in agriculture and light industry in the nearby Jewish villages, while Arab women in the cities tend to hold jobs that require more advanced skills, such as jobs in the government, municipalities, education, the health industry, and the business sector (as office support).

The average age of Arab working women was found to be lower than that of women who did not work, and the maximum age of working women in Bedouin villages was found to be 37. These findings may be due to the fact that women in the 35-44 age groups were found to have a higher average number of children than those in the 25-34 age groups, and as the size of their families increases, it becomes increasingly difficult for women to find childcare arrangements for their children. Thus, the lack of proper childcare is another reason that relatively few Arab women with children work outside the homes.

/...

ARTICLE 12

Equality in Access to Health Care

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health services, including those relating to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement, and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

1. Introduction

This chapter will examine various curative, preventative, physical, and mental health care services available to Israeli women. In addition, it will examine the relative states of health of men and women in Israel and will focus specifically on reproductive health. There is absolutely no formal discrimination against women regarding health care, nor are there treatments for Israeli women which are contingent upon the approval or permission of their partners or parents, including birth control. It should also be noted that the subject of women's health has recently been the focus of attention, particularly following the Beijing Conference. This is evidenced both by the establishment of a steering committee on women's health needs by the Ministry of Health, as well as by the special appointment of a researcher at the National Center for Disease Control to collect data on women's health.

2. The Legal Framework

2. 1. Introduction

While foundations for public health care were laid down in the **National Health Ordinance-1940,** two recent laws relating to public health totally change the framework of health care in Israel. The **National Health Insurance Law-1994**, which went into effect on January 1, 1995, establishes a universal right to health services in Israel, and the **Patient's Rights Law-1996,** grants statutory recognition to patients' rights and physicians' duties. These two laws are a

/...

source of pride for Israeli society; both are based on the principle of equality and on the dignity and privacy of the individual.

2. 2. The National Health Insurance Law

The law guarantees the right of every Israeli resident to health care services. The principles of "justice, equality, and mutual aid" provide the basis for its enactment. It obligates sick funds to accept all applicants as members, and to provide them with a "basic basket of services." The government is required to finance this basic basket of services by utilizing the budget allocated to it under the law. The law's main source of funding is revenues generated by health tax payments. The sick funds then receive their funding directly from the government, which distributes it amongst the different sick funds in a socially just manner.

2. 2. 1. Universal Coverage Under the National Health Insurance Law

Previously, membership in a sick fund was voluntary, leaving 200,000 Israeli residents, including many children, without health insurance. The new law makes membership in a sick fund mandatory and allows residents to join the sick fund of their choice. This policy has a dual purpose: it encourages competition amongst sick funds, and ensures that even citizens who are not in good health, or would not otherwise be able to afford the membership in the sick funds, will not be denied membership. An additional feature of the new law is the right to choose the caregiver: patients have the right to be treated by any of the doctors, hospitals, laboratories, or infirmaries with which their sick funds are associated.

The new law specifies the services that must be provided in the basic basket of health care. In addition, the law places certain services, such as Mother-Child Clinics, under the direct responsibility of the Ministry of Health. This service, previously provided directly from the Ministry of Health, was to be transferred to the responsibility of the various sick funds, like all other health services. However, when realizing that this could jeopardize the goal of ensuring universal mother and child care irrespective of economic considerations, the law was changed in 1996 in order to maintain the government's direct responsibility for the provision of Mother-Child Clinics.

2. 3. The Health Tax

Under the new law, every adult regardless of gender is obligated to pay health tax in order to cover the cost of the provision of the basic services.

The health tax is a progressive tax and is based on a member's income. However, the law exempts homemakers, or "housewives," from paying the health tax. As explained under Article 13 below, a "housewife" under the **National Insurance Law** is defined as a "married woman whose partner is insured and only provides domestic provisions for their own household, so that she is neither an 'employee' nor is she 'independent.' "Housewife" exclusion stems from the fact that health taxes are collected and handled as part of the Social Security system. Since "housewives" are not insured according to the **National Insurance Law**, they are not included in the data base of the Social Security office (See Article 13).

While the new law ensures equality between men and women by charging married working women and men equal membership dues, some married women who work outside their homes now pay more for the coverage under the new law than they paid under the old law. This is due to the fact that under the old law, families were charged as single units, with married women receiving a 30% discount on their dues.

2. 4. Equality in Health Care

2. 4. 1. Eligibility

The criterion for eligibility is residency in Israel.

2. 4. 2. Differences in Needs as a Barrier to Equality in Israel

Under the new law, most common health care services are included in the basic basket of services.

However, it denies coverage for contraceptives, abortions performed on the grounds of extra-marital pregnancy (constituting the major cause for legal abortions), and other various gynecological services. Moreover, the current basket of services does not fully cover pre-and post-natal services. Consequently, women must pay a fee in order to receive services at the mother-child clinics.

Another source of inequality in the health-care system is the lack of awareness of gender differences in the symptoms and development of specific diseases, such as heart disease. For example, the director of heart and chest surgery in one of Israel's leading hospitals was reported to have expressed a concern in December 1996 as to the discrimination of women in the provision of health care services relating to heart disease. The tools used to diagnose heart disease amongst men are not effective in the diagnosis of women. In addition, heart disease among women develops at a significantly slower rate than heart disease among men. Consequently, doctors are more reluctant to send women who complain about chest pains to be tested, and fewer women are diagnosed in time. This causes women to be diagnosed at later stages of the disease, when the rate of successful surgery decreases. Currently, the death rate and number of complications from bypass surgery among women is 2-3 times higher than among men (2-7%, as opposed to 1-4% among men).

3. Special Health Services for Women

3. 1. Pre/Post Natal Services: Mother-Child Clinics

The Health Ministry reported in 1996 that according to a recent survey, 98% of pregnant Israeli women receive pre-natal monitoring. Of those, 20% are monitored by private doctors, and 80% are monitored through Mother-Child clinics. These clinics offer high-quality and relatively inexpensive pre and post-natal care to women on a neighborhood basis. In 1994, 435 such clinics were in full operation. Despite recent attempts to change the focus of Mother-Child clinics from pregnant women to family health, the main focus continues to revolve around childbearing. Most Mother-Child clinics offer pregnancy tests, check-ups, blood tests, nutrition advice, childbirth preparation classes, child's inoculations and developmental monitoring, all at an annual co-payment equivalent to about 35$. The co-payment is per family, and services are never denied for lack of payment. However, as mentioned above, these services are among the few that are not completely covered by the basic-basket of health services.

3. 2. Delivery Rooms and Maternity Wards

The current number of maternity wards and delivery rooms in Israel does not meet present needs in Israel, due to a sharp rise in the number of births. In 1996 the National Council of Midwives and Gynecology presented the General Manager of the Ministry of Health with a report which exposed serious malfunctions in delivery rooms, particularly overcrowding and shortage of staff (including midwives, doctors, and anesthesiologists).

3. 3. Women's Health Clinics

In recent years, a number of well-equipped women's health centers have been established to provide special services for high-risk pregnancies, osteoporosis, and various health issues regarding mid-life.

3. 4. Geriatric Services

Presently, women comprise 57% of all Israelis over 65 years of age, and 70% of all patients hospitalized in geriatric hospitals are women. Thus, geriatric services may be treated as an area of specific concern for women. Currently, hospitalization expenses for senior citizens are covered by the basic basket, but extended hospitalizations of senior citizens are not covered by the basic basket and must be covered by the patients and their families. The **National Insurance Law** provides a monthly allowance for the elderly (defined as men who are over 65 and women who are over 60) who are in need of a personal caretaker. By September 1996, 67,000 senior citizens, 70% of whom were women, had received this monthly allowance. In 1996 alone, the government paid a total of over 1 billion NIS in such allowances.

4. Family Planning Among Israeli Women

4. 1. Legal Abortions

The **Penal Code - 1977**, sections 312-321, permits abortions upon the permission of a designated committee in the following cases:

1. The women is under the legal age for marriage or above 40.
2. The pregnancy is a result of sexual relations forbidden according to the Israeli criminal code, or is a result of incestuous or extra-marital relations.
3. The unborn child will suffer from a physical or mental deformity.
4. The continuation of pregnancy will endanger the life of the mother, or may cause her physical or mental damage.

/...

There are no criminal sanctions against women who undergo illegal abortions. The code penalizes doctors who perform the illegal procedures.

The Committee for Approval of Termination of Pregnancies is composed of two doctors and a social worker. One of the Committee members must be a woman. No approval for the abortion is needed other than that of the committee, even if the woman seeking the abortion is a minor. Upon applying to the committee, the woman seeking an abortion must meet with a social worker, who is instructed by law to explain the physical and mental dangers of abortion, and is also instructed by the Ministry of Health to attempt to convince her to choose an alternative solution to the unwanted pregnancy. The woman seeking the abortion must also meet with a doctor instructed to explain the medical risks involved. The reports of both the doctor and the social worker must be reviewed by the committee before it makes its decision.

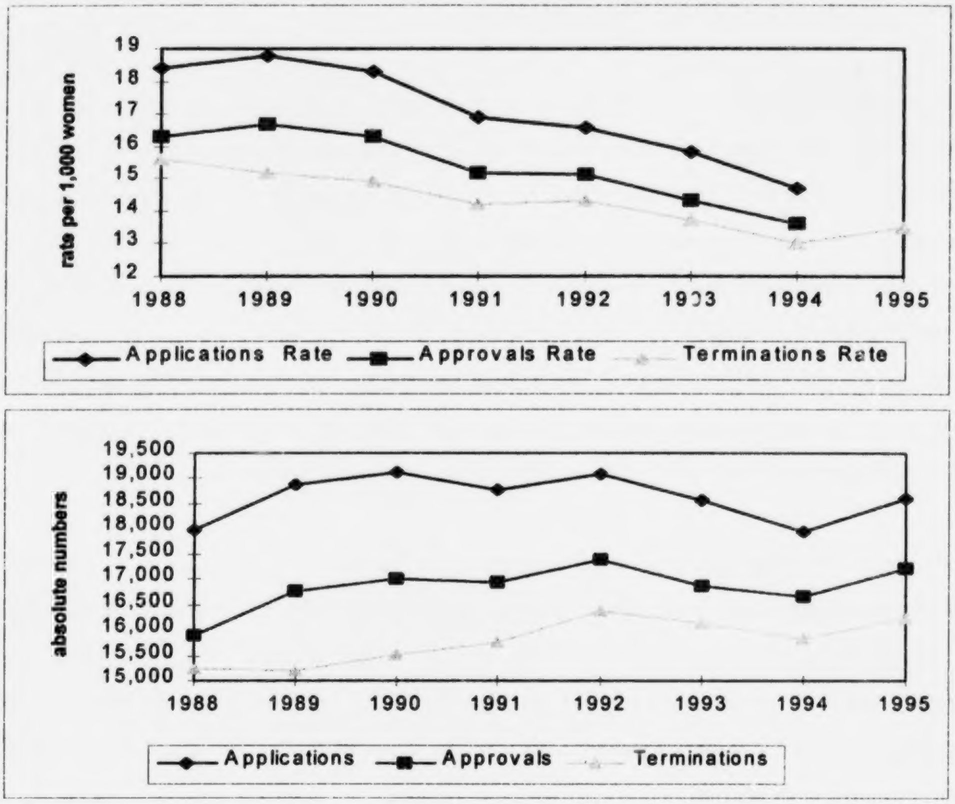
The statutory committee may not examine applications for abortions of pregnancies that have developed beyond the 23rd week, rather, such requests must be reviewed by a special committee. The special committee is composed of the director of the medical center (to which the application has been sent), the director of the Maternity ward, the director of the Naonatology ward, the director of a genetics center, and a chief social worker. So far, 6 such special committees have been formed.

Abortions performed for medical reasons or where the woman is a minor are covered by the medical insurance as part of the basic basket of health services.

4. 2. Abortion rates

Since 1980, the number of legal abortions performed in Israel has fluctuated between an estimated 14,000 to 19,000 a year.

Chart 1 -Application, Approvals, and Actual Terminations



Based on regression analysis, researchers have concluded that the level of education has no influence on the tendency to seek an abortion. The number of children before the pregnancy in question has proved to be an influential factor in the decision to apply for an abortion: the probability of application for abortion rose with the number of children a women had prior to the pregnancy in question. A recent study revealed that only 8.4% of married women in Israel sought abortions for health reasons, while the overwhelming majority sought abortions as a form of family planning.

Table 1 - Applications to Commissions for Termination of Pregnancy (1995)

Marital Status and Religion	Total	To Age 19
Absolute Numbers		
Total	16,903	2,318
Married Women	8,760	105
Unmarried Women	6,053	2,193
Religion:		
Jewish	14,593	2,136
Moslem	744	51
Christian	428	13
Rates per 1,000 Women		
Total	14	9.7
Married Women	13	9
Unmarried Women	13.2	9.8
Religion:		
Jewish	15.8	12.1
Moslem	4.4	1.2
Christian	11.1	2.1

Source: CBS, SAI 1996

Table 2 - Terminations of Pregnancy in Hospitals, by Cause

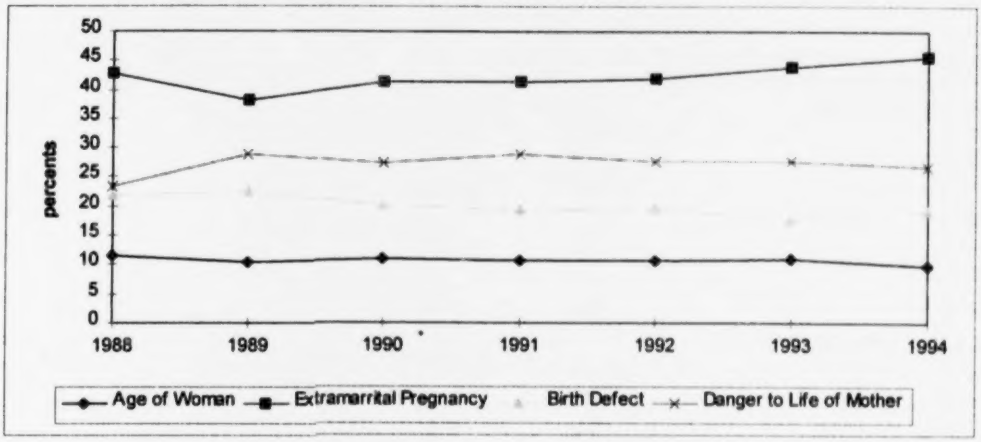
Year	1980-1983	1987-1988	1990	1993	1994	1995
Applications			19,121	18,568	17,958	18,586
Approvals			17,020	16,855	16,650	17,211
Actual Terminations	61,444	30,545**	15,509	16,149	15,836	16,244
Article:						
Woman's Age	6,827	3,405	1,717	1,778	1,538	1,629
Out of Wedlock Pregnancy	23,301	13,370	6,417	7,063	7,239	7,747
Malformed Fetus	9,326	6,203	3,116	2,837	2,779	2,704
Danger to Woman's Life	21,543	7,498	4,259	4,471	4,280	4,164
Rates per 100 Live Births	16.1	15.3	15	14.4	13.8	14.2
Percentage of Known Pregnancies*	13.8	13.3	13.1	12.6	12.1	12.4

*Live Births and Terminations of Pregnancies

**The report of one of the commissions in 1987 was incomplete. 72 procedures are estimated to be missing.

Source: CBS, SAI 1996

Chart 2 -Terminations by Section of the Law (percents)



4.3.Illegal Abortions

It is difficult to account precisely for the number of illegal abortions in Israel, yet the current estimation of the Israel Family Planning Association stands at 4000-6000 abortions per year. Researchers have noted that the numbers have risen significantly following the recent wave of immigration from the former Soviet Union. Many immigrant women are relatively uninformed about birth control and they are accustomed to receiving abortion on demand.

4.4. Pronatalism and Family Planning in Israel

Over the last 20 years Israel has witnessed a gradual expansion of family planning services in both the public and private health care sectors. However, despite fairly universal health care coverage and the broad range of medical assistance provided in the basic basket of services, contraceptives continue to fall outside of the basic basket of services offered to women. Israeli sick funds offer contraceptive devices at a fee which varies from 170 NIS for an IUD fitting at clinics operated by the General Sick Fund (which insures approximately 75% of the population) to 400 NIS in the other major funds. Although oral contraceptive pills are offered at a subsidized price (approximately 75% of the actual cost), this fact is not widely publicized and most clinics prefer to dispense the IUD to women after childbirth. Diaphragms are neither encouraged nor subsidized. Other non-prescriptive methods, such as foam, rhythm, and withdrawal are perceived as outside of medical jurisdiction, and are therefore rarely discussed by doctors as alternatives.

The Israel Family Planning Association has been actively engaged in performing services not provided by the sick funds or governmental institutions. Since 1981, the association has operated walk-in counseling centers for adolescents facing social, psychological, and gynecological problems. Trained counselors give professional advice concerning contraceptive use, sexual relationships, and pregnancy. Gynecologists give periodic on-site examinations. Currently the association has offices in several pre-dominantly Jewish cities, however, the association plans to open centers in Arab cities like Jaffa and Nazareth, to be staffed by Arab personnel trained by the organization.

4.5. Hysterectomies

Sterilization in Israel is performed on a voluntary basis, and the rate of hysterectomies is relatively low. While in the US in the late 1980s some 271 operations of this kind were performed per 1,000,000 women in the populations, in Israel, the rate was only 73 per 1,000,000.

5. Fertility Rates, Treatments, and Services

5.1. Birth Rates and Fertility Rates

The absolute number of live births per year has increased from 80,843 in 1970 to 117,182 in 1995.

Chart 3 -- Live Births, by Religion (absolute numbers)

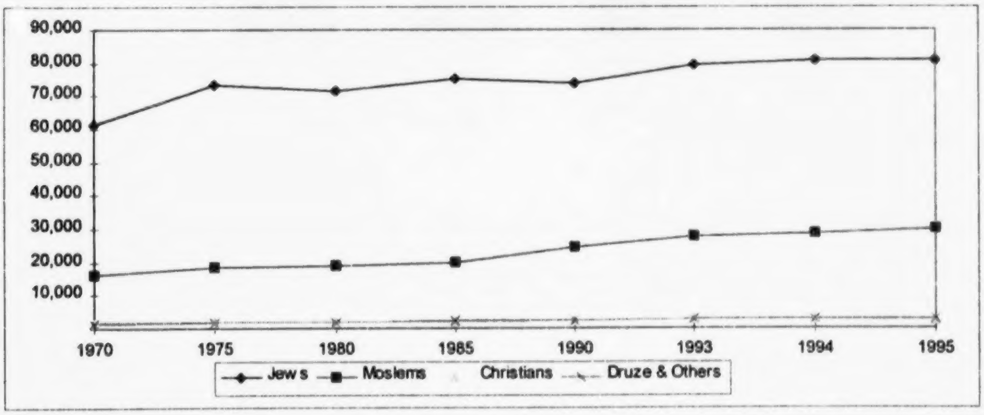


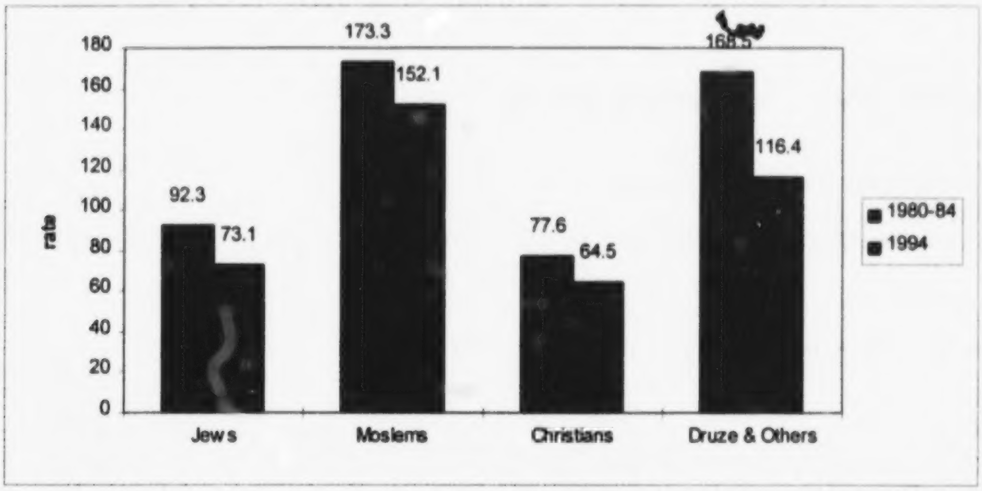
Table 3 - Live births, by Mother's Age

1993

Mother's Age	Total	Jews	Moslems	Christians	Druze & Others
Total- Absolute Numbers	112,330	79,224	27,705	2,710	2,676
Total	100	100	100	100	100
Up to 19	4	2.4	8.6	3.2	5.5
20-24	24.7	21.4	32.5	30.4	33.9
25-29	32	32.9	29.4	34.8	30.8
30-34	23.6	25.8	18.2	21.5	19.4
35-39	12.3	14	8.3	8	8.7
40+	3	3.4	2.1	1.5	1.8

Source: Health in Israel, 1996

Chart 4 -Fertility Rate by Population Group: Live Births per 1,000 Women



Source: Health In Israel, 1996

The largest drop in fertility occurred among Druze, while the smallest drop in fertility occurred among Jewish women. However, the average fertility rate among Moslem women still remains much higher than the average fertility rate of Jewish women: while Jewish women were found to have an average of 2.5 children in 1995, Moslem women were found to have 4.7 children on average. Within the Jewish population, the largest drop in fertility occurred among women born in Europe and America (a 21.5% decrease, from 2.8 to 2.2 children on average), and the smallest drop in fertility occurred among women born in Israel (a 10% decrease, from 3.3 children on average to 2.5). From among the different age groups, the largest drop in fertility over the last 15 years has occurred among women in the 15-19 age group, while the biggest rise in fertility rate occurred among women in the 40-44 age-group.

The absolute number of live births to unwed Israeli women has not increased significantly in the last 20 years, measured as 1479 births in 1978, and 1490 live births in 1994. However, the number of live births per 1000 unwed Israeli women under the age of 19 has almost halved since 1978, from 1.5 births to 0.8, while the overall number of live births among unwed Jewish women has risen from 732 births in 1982 to 1251 births in 1992.

Table 4 - Live Births to Never Married Women

		Age Of Woman					
	Total	Up to 19	20-24	25-29	30-34	35-39	40+
Absolute Numbers							
1971-1973	1,479	519	639	186		135	
1978-1981	2,875	720	1,005	589	345	166	41
1985	807	116	194	172	165	133	21
1990	1,038	102	220	207	227	201	80
1994	1,490	152	299	324	323	276	115
Births to Never Married Women per 100 Live Births							
1971-1973	0.8	4.5	0.9	0.3		0.3	
1978-1981	1	5.3	1.2	0.6	0.6	0.9	1.2
1985	1.1	4.7	1.1	0.7	0.9	1.6	2.1
1990	1.6	737	1.5	0.9	1.3	2.1	4.6
1994	1.8	8.2	1.7	1.2	1.5	2.5	4.5
Rates per 1000 Never-Married Women in the Population aged 15-44							
1971-1973	2.3	1.4	3.4	4.1		5.2	
1978-1981	3.2	1.5	4	5.5	7.3	9.8	4.6
1985	3.2	0.9	2.8	7	12.2	16.5	5.7
1990	3.8	0.8	2.8	8.3	18.3	22.4	12.2
1994	4	0.8	2.5	8.5	21.5	26.2	13.2

Source: CBS, SAI 1996

5.2. Fertility Treatments and Services

Fertility treatments in Israel are highly developed and well subsidized. Currently, Israel boasts a world record of 20 *in-vitro fertilization* (IVF) clinics, or approximately one such center for every 285,000 inhabitants. Insurance subsidies cover, on average, 6500 NIS for one cycle of IVF treatment, not including hospital expenses and other costs which are generally covered by the basic basket of services. Currently there is no limit as to how many treatments a woman may receive prior to conception, however, only 7 cycles of treatment, up to the birth of two live children, are covered as part of the basic basket of health services. Although there is no clear definition of infertility in the regulations defining the basic basket, couples are generally eligible for treatment if one year of sexual relations without contraception fails to result in pregnancy. In 1993, 7000 cycles of IVF treatment were performed (some women received more than one cycle of treatment). Moreover, unmarried women are now eligible for fertility treatments with donor sperm in accordance with the same provisions applying to married women.

6. Life Expectancy

Table 5 - Life Expectancy

Year	Jews		Arabs and Others	
	Men	Women	Men	Women
1950-1954	67.2	70.1		
1960-1964	70.6	73.1		
1970-1974	70.6	73.8	68.5	71.9
1975-1979	71.7	75.3	69.2	72
1980-1984	73.1	76.5	70.8	74
1985-1989	74.1	77.8	72.7	75.5
1990-1994	75.5	79.2	73.5	76.3

Excludes war casualties

Source: CBS, SAI 1996

While life expectancy for Israeli men was ranked in 1989 as the 2nd highest among 34 developed countries (after Greece), the life expectancy for Israeli women was ranked 18th. According to the WHO Regional Office for Europe, the difference in life expectancy between men and women is the smallest of 20 European reference countries. This pattern remains generally consistent for all the main causes of death. The WHO Europe Regional Office noted Israeli women's high mortality rates as a matter of particular concern in its 1996 Report on Health in Israel.

7. Mortality Rates and Causes of Death

7. 1. Infant Mortality Rates

The infant mortality rate has almost halved since 1983 and currently stands at 6.8 deaths per every 1000 live births (5.5 deaths among Jewish newborns, and 9.9 deaths among non-Jewish newborns.)

Table 6 - Infant Deaths, by Population Group and Cause

Rates per 1,000 live births

Cause of Death	1970-1974	1980-1984	1985-1989	1990-1994
Jews				
Total	18.6	11.8	8.8	6.8
Intestinal Infectious Diseases	0.6	0	0	
All Other Infectious and Parasitic Diseases	0.4	0.2	0.1	0.1
Pneumonia	1.2	0.3	0.2	0.1
Congenital Anomalies	4.4	2.8	2.3	1.7
Other Causes of Perinatal Mortality	9.9	5.8	4.4	3.6
External Causes	0.3	0.2	0.4	0.2
All Other and Unspecified Causes	1.8	2.4	1.6	1.2
Arabs and Others				
Total	32.1	22.6	16.8	13.5
Intestinal Infectious Diseases	4.8	0.2	0.3	0.1
All Other Infectious and Parasitic Diseases	1	0.9	0.5	0.3
Pneumonia	4.4	1.8	0.6	0.2
Congenital Anomalies	6.5	4.9	5.4	4.2
Other Causes of Perinatal Mortality	10	7.3	5.3	4.3
External Causes	0.7	0.6	0.8	0.5
All Other and Unspecified Causes	4.7	6.8	4	3.8

Source: CBS, SAI 1996

The mortality rate of Jewish female Israeli newborns has been consistently lower than the mortality rate of Jewish male Israeli newborns and has remained consistently lower than that of their male counterparts during the first year for life, although the gap has been closing. However, while the average mortality rate of non-Jewish female infants was lower than the average mortality rate of non-Jewish male infants between the years 1980-1984, the average mortality of non-Jewish female infants rose above that of their male counterparts between the years 1989-1993, and has remained consistently higher than the mortality rate of non-Jewish male infants between their first month and first year of life.

7. 2. Maternal Mortality Rates

The maternal rate of mortality has remained generally low since 1985 , and in 1992 stood at 5.45 deaths per every 100,000 live births. According to the WHO Regional Office for Europe, the Israeli rate for 1990-1992 was the 9th lowest among 20 European reference countries.

7. 3. Standardized Mortality Rates

Table 7 - Mortality Rates of Jews Aged 45 and Over

Average 1992-1994

Age	Males	Females
Rates per 1,000 residents		
Total	25	22.2
45-49	2.8	2.2
50-54	4.5	3.5
55-59	8	6
60-64	14.1	10.7
65-69	22.9	17.5
70-74	36.8	29.3
75-79	60.1	50.4
80-84	97.2	84.6
85+	189.3	170.2

Source: CBS: SAI 1996

7. 4. Causes of Death

Table 8 - Deaths, by Cause, Religion, and Sex

Cause of Death	Total Population		Jews		Moslems	
	Men	Women	Men	Women	Men	Women
	Absolute Numbers					
Total	17,374	16,161	15,596	14,678	1,254	1,049
Cancer						
Stomach	284	199	263	180	14	13
Colon	440	456	426	442	6	7
Rectum	134	120	128	117	2	2
Trachea, Bronchi, and Lung	781	316	694	297	65	13
Female Breast		806		770		19
Cervix Uteri		46		40		
Leukemia	152	143	134	133	12	7
Other	2,156	1,652	2,025	15	77	56
Hypertensive Disease	452	500	420	433	22	49
Acute Myocardial Infarction	1,609	1,470	1,471	1,369	87	76
Other Ischaemic Heart Disease	2,253	1.885	2,111	1,777	84	74
Other Heart Disease	1,576	1,779	1,385	1,599	131	122
Abortion		0		0		
Direct Obstetric Death		6		6		
Motor Vehicle Accidents	420	148	310	110	87	27
Suicide	304	112	288	110	7	
Homicide	94	25	63	19	30	4

Source: CBS, SAI 1996

Heart disease is the cause of death for 211.7 out of every 100,000 Israeli women, and 23% of deaths among Israeli women aged 65 and up. While the mortality rate of Israeli women from heart diseases was found to be approximately 30% lower than that of Israeli men, it is placed 27th lowest among the 34 Western countries to which Israel was compared by the International Mortality Chartbook, whereas the mortality rate of Israeli men from heart disease placed 17th lowest as compared to other countries.

7. 5. Breast Cancer Among Israeli Women

While the incidence of many types of cancers in Israel has generally gone down since the 1960s, Israel has witnessed a constant rise in the incidence of breast cancer over the last 30 years. It appears that Jewish Israeli women, like women in other developed countries, are at a particularly high risk of developing the disease at some point during their lives. A study conducted in 1985 revealed that one of the highest rates of breast cancer in the world is found among Jewish Israeli women, while one of the lowest rates in the world was found among non-Jewish Israeli women.

Specifically, Arab-Israeli women constitute the group with the lowest rate of breast cancer in Israel, and the rate of cancer in general among Arab-Israeli women is lower than the rate of cancer among Arab-Israeli men. However, breast cancer still constitutes 1/3 of all cases of cancer among Arab-Israeli women (Avgar, 1996).

Breast cancer has become the leading cause of death for Israeli women in the 25-55 age group, and has taken the lives of more Israeli women than all heart diseases combined. The rate of cancer among all Jewish Israeli women has risen since the 1960s from 45 cases per 100,000 women to 81 cases per 100,00 women in the early 1990s. The most dramatic rise in the number of new breast cancer cases occurred among Jewish women born in Israel (from 36/100,000 in the 60s to 92/100,000 in the 90s), as opposed to American, European, African or Asian born Jewish women, or Non-Jewish Israeli women (Avgar, 96). Between the 1987-1989 to 1990-1992 periods, there was a 37% rise in the number of new breast cancer cases. According to the figures compiled in 1995, in 1992 almost 2000 new cases of breast cancer were found among Israeli Jewish women, accounting for a third of the malignant tumors found in Israeli Jewish women during that year. Breast cancer is detected earliest amongst Israeli-born Jewish women (47.7 on average) in comparison with other groups of Jewish Israeli women. As with most malignant diseases, the rate of breast cancer among Israeli women rises with their age, reaching its peak in the 65-70 age groups, which experience outbreaks at a rate of 450/100,000 women (with the exception of American and European born Israeli women, amongst whom breast cancer peaks at later ages) and falling back to a rate of 300/100,000 women in the 70+ age group.

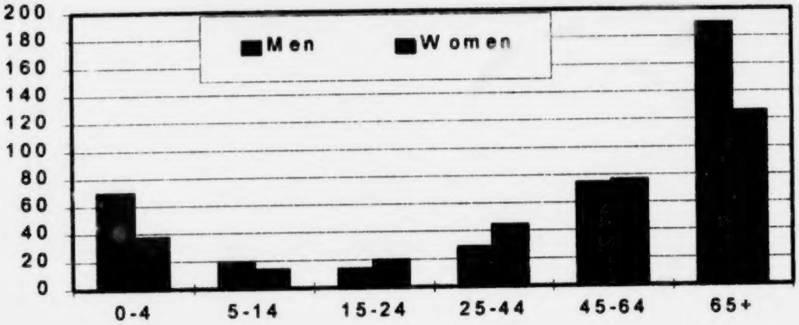
7. 6. Mammograms

The new **Health Insurance Law** expressly forbids the discrimination in services on the basis of sex. This has induced the general manager and the director of health services at the Health Ministry to announce in 1996 that by the end of 1997, the sick funds plan to cover all women in the 50-74 age group for a mammography examination once every two years.

8. Hospitalization

The hospitalization of Jewish females under the age of 15 is lower then that of their male counterparts. After the age of 15 the hospitalization rate amongst Israeli women exceeds the rate of men, and continues to rise sharply in every age group. By the age of 45, the hospitalization rate of males and females is approximately equal, and beyond the age of 65 the hospitalization rate of men rises above that of women. The above statistics include women hospitalized in maternity wards.

Chart 5 -Hospitalized Persons, 1993: Rate per 100 Persons



Source: Health in Israel, 1996

In 1995, 44% of all psychiatric hospitalizations were of women and 56% were of men. The rate of hospitalized men exceeded the rate of hospitalized women until the ages of 45+.

Table 9 - Admissions to Psychiatric In-Patient Care

1995

	Total- Absolute Numbers
Total	16,532
Men	9,293
Women	7,239
Thereof: First Admissions	
Total	4,111
Men	2,330
Women	1,781

Source: Health in Israel, 1996

9. Violence as a health factor

Violence against women is thoroughly discussed under Article 5 above. The **National Health Law** covers any and all medical expenses incurred as a result of physical or sexual violence against women.

The 1996 parliamentary committee whose work is discussed under Article 5 above, has recommended to the Health Ministry that medical teams be trained to identify damage stemming from domestic violence and to ask questions pertaining to family violence (including mental violence) as part of the standard line of questioning during an examination. In addition, the committee has recommended that questions pertaining to violence against women be included in the Israeli Medical Board examinations for doctors, nurses, and paramedics.

10. AIDS

The total number of AIDS patients in Israeli during 1995 was 358, 312 of whom were male and 46 of whom were female. 278 of the 358 patients died that year. The number of AIDS carriers in Israel in 1995 was 1386 of whom 367 were women; most were exposed to the virus outside of Israel. Since the first statistical documentation of AIDS in Israel in the early 1980's, the proportion of Israelis infected each year by the HIV virus who are women has significantly increased, especially since 1992.

The Israel Family Planning Association has been tackling the issue of AIDS in Israel by printing and distributing educational pamphlets in Hebrew, Russian, Arabic, and Amharic (the language spoken by Ethiopian newcomers to Israel). In addition, the Association offers courses and seminars which emphasize AIDS awareness and education.

Table 10 - AIDS in Israel

Exposure Category	Women		Men	
	AIDS Patients	HIV+ Carriers	AIDS Patients	HIV+ Carriers
Total	46	367	312	915
Homosexual/ Bisexual Males			132	193
Intravenous Drug Users	9	19	54	108
Persons with Hemophilia		1	33	44
Other Blood/ Component Recipients	2	7	11	9
Heterosexual Contacts				
Partners of One of the Above 4 Categories	7	17		4
Persons Presumed: Exposure Abroad	17	198	42	267
Child of At-Risk/ Infected Parent	6	23	5	42
Not Known	5	102	35	248

Source: CBS, SAI 1996

11. Women in Health care

11.1. Women in Medical School

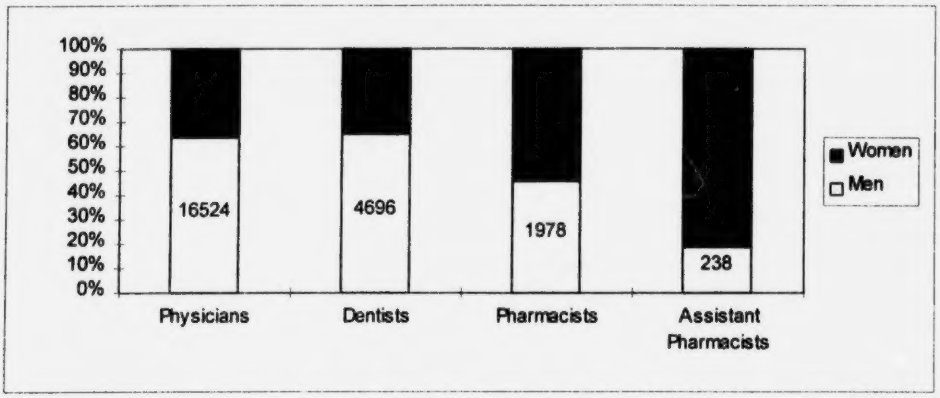
The number of women accepted to medical schools in Israel has risen significantly over the last 26 years, from 24% in 1969, to 48% in 1995. Israeli women were found to score comparably to Israeli men in the National Medical Board examinations.

11.2. Women as Medical Personnel

By the end of 1993, two thirds of all doctors and dentists were men. Among the specialists, 74% were men. The highest rate of women specialists was in pediatrics (40%) and psychiatry (40%), followed by family-medicine (35%). The lowest rate of women specialists was in general-surgery (5%), followed by obstetrics and gynecology (15%). While 43% of all men-doctors were specialists, only 29% of all women doctors were specialists.

The mass emigration to Israel from the former USSR has significantly changed the proportion of practicing doctors who are women in Israel, from 30% to 36% by 1995 (and 35% of all practicing dentists). Twenty percent of all doctors in 1993 were new immigrants who arrived to Israel in 1990-1993.

Chart 6 --Medical Personnel



Currently, 56% of all new immigrants who are doctors are women. Figures from 1992-3 indicate that 49% of medical licenses were given to women, 90% of the whom did not study medicine in Israel.

Israeli women doctors tend to work in clinics as opposed to hospitals and are less likely than men to specialize in surgery related fields. While the proportions of Israeli women and US women who specialize in psychiatry and family medicine are similar, the proportion of women in the US who specialize in internal medicine, children's medicine, surgery, and particularly gynecology, is significantly higher than the proportion of their Israeli counterparts. Although gynecology is a specialty predominantly occupied by women in Eastern Europe, the current wave of immigrants from the former USSR did not significantly alter the number of women gynecologists in Israel.

12. Arab Women and Health Services

Prior to the enactment of the new health insurance law, health clinics in almost all Jewish cities and villages, while nearly a third of the Arab villages lacked clinics. For example, in the Arab city of Um El Phachem, which housed 27,000 residents, the General Sick Fund provided only one gynecologist for its 18,000 members. In the new law the government adopted the policy of indirectly encouraging the Sick Funds to accept members who live in Israel's peripheries, such as Um El Phachem, by allotting funds in proportion to the number of members in each sick fund, an by specifying that more funds will be allotted for those living in the peripheral areas.

Maccabi, the sick fund considered to provide the most qualitative health care services, began establishing branches in Arab villages while the new law was still being discussed in the *Knesset*. Thus, the new law has in fact brought an immediate improvement in the quantity and proximity of health care services to Israeli Arabs.

A recent study conducted to gauge the level of satisfaction with the changes in the health care system brought on by the new law (Berg, 1996) found that the level of satisfaction from the new law was highest in the Arab community: 31% of the Arab residents included in the study felt that health care services had improved as a result of the new law, as opposed to a mere 17% of the veteran Israeli society.

Since 1994, the Ministry of Health has joined the active effort to close the gaps in health care between Israel's minority groups and the majority by allotting a proportion of its yearly budget for this express purpose since. In 1995, 5.1 million NIS (roughly 1.5 million dollars) were allotted, which amounted to 2% of the Health Ministry's budget, and by 1996, 9.7 million NIS were allotted this purpose. Most of the funds have been used to employ more care-givers and purchase equipment for the clinics serving minority populations.

12. 1. Health Care Services offered to Arab Women

As mentioned above, the Minister of Health, through its local public health departments, operates an extensive network of 435 Mother-Child clinics throughout the country that offer high-quality and relatively inexpensive pre- and post-natal care to women on a neighborhood basis. While Mother-Child stations had been set up in all Jewish cities, in 1991 20 Arab villages still lacked Mother-Child clinics. In response, during 1993-1994, the Health Ministry approved the construction of 20 new Mother-Child clinics in Arab towns and villages. In 1995, the Health Ministry approved the construction of an additional 30 mother-Child clinics in Arab towns and villages, and 1996 the Health Ministry approved the construction of an additional 27 new Mother-Child Clinics for Arab towns and villages and spent 6.5 million NIS (roughly 2 million Dollars,) on their construction. A study conducted in 1992 among 320 Arab mothers in seven hospitals in Northern Israel found that Christian Arab women, who tend to be more educated than their Druze and Moslem counterparts, preferred private doctors to the Mother-Child care centers and visited the centers less frequently.

/...

Geriatric services for Arab women were virtually non-existent until 1993. No Arab town had institutions with beds for geriatric purposes and geriatric care was provided for the Arab elderly mainly by family members even after the enactment of the **Nursing Care Insurance law - 1988**. However, caretakers who are not members of the patient's immediate family and do not live in the same household have begun to take collect the allowance provided by the **Nursing Care Insurance law** as compensation for their services. Presently 12% of all Arab senior citizens receive both a senior citizen's allowance and nursing care allowance, while only 6% of all Jewish senior citizens receive both allowances. In addition, the first old-age home specifically geared for the Arab community opened in 1993 in the Arab town of Deboriah.

12. 2. Life Expectancy and Causes of Death Among Arab Women

Arab women have a life expectancy of 77.1 years as compared to Jewish women whose life expectancy is 79.5 years. The leading cause of death (47%) among both Arab and Jewish women is heart disease. Cancer is the second leading cause of death among Jewish women, and only the third leading cause of death among Arab women. However, the death rate from cancer among Arab women has been rising, and the difference between the two groups has been decreasing. Strokes have been found to be the third largest cause of death among Israeli women in general, leading to the death of 165 out of every 100,000 Arab women, as compared to 119 out of every 100,000 Jewish women. High blood pressure, which is generally more common among men than women, is particularly common and dangerous to the health of Arab women.

12. 3. Infant Mortality Rates among Arab Newborns

Despite the general improvement in health services since the establishment of State of Israel, a significant gap remains between the infant mortality rates in the Arab sector as opposed to the Jewish sector.

/...

Table 11 - Health Determinants

	Jews	Arabs
Stillborns per 1,000 Live Births (1991)	3.7	6.5 (Moslems)
Infant Mortality (1994)	5.9	11.5
Life Expectancy (1993)	Women- 79.5 Men- 75.7	Women-77.1 70.97 Men- 73.6

Source: CBS, SAI 1996

Statistical analysis completed in 1992 found that in the cities included in the study, the 9 cities with the highest infant mortality rates (spanning from 16.8% -24.6%) were cities in which the majority of the population were Arabs.

Chart 7 - Jewish and Arab Stillborns and Infant Mortality Rates & Life Expectancy

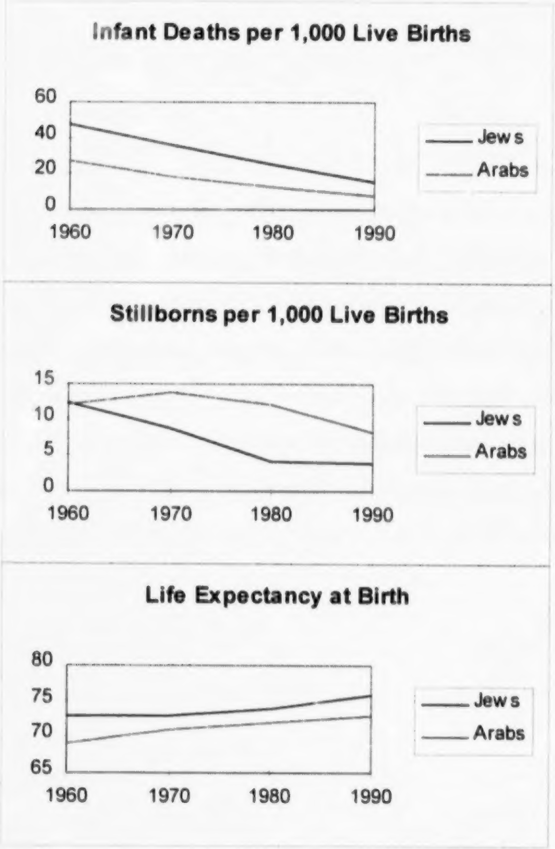
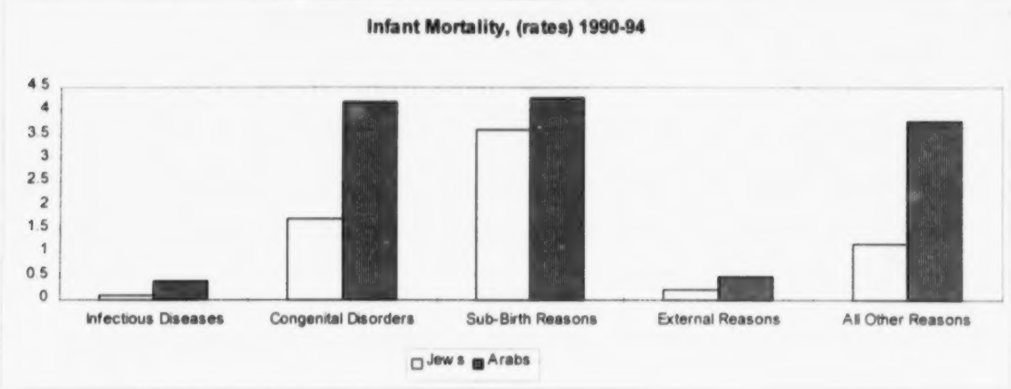


Chart 8 - Causes for Infant Mortality, Jewish and Arab Population



12. 4. Fertility and Family Planning

The birth rate among Israel's Arab Moslems dropped from an average of 9.22 children per family in the 1960s to 8.5 in 1975, and continued to drop dramatically until 1986, when it stabilized at 4.6. Recently there has been a small rise in fertility rates among Moslems (the rate rose to 4.7 in 1995) , but a decline continued among Christian and Druze women. A study conducted in 1996, reveals a negative correlation between the fertility rate and years of education among Arab women, and a positive correlation between the number of years between each birth and the level of education. In addition, the study reveales that the fertility rate among village women is higher than that of city women. Arab women of Jerusalem were found to be exceptional in terms of this correlation, and their fertility rates were significantly higher than the fertility rates in other Arab cities.

ARTICLE 13 Social and Economic Benefits

States Parties shall take all appropriate measures to eliminate discrimination against women in other aresas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

a) The right to family benefits;

b) The right to bank loans, mortgages, and other forms of financial credit;

c) The right to participate in recreational activities, sports, and in all aspects of cultural life.

The discussion under this Article will touch upon several areas relevant to the participation of women in economic, social and cultural life in Israel. As such, it will be divided into a number of parts: aspects of women in the economy; social benefits and the welfare state in Israel in relation to women's social and economic situation; and several aspects of everyday life of women in Israel (time-use and recreation).

1.Women in the Economy

1. 1. Women as Members on Boards of Israeli Companies

Women's participation in national economic life is a significant feature of full citizenship, which reflects society's willingness to accept women as leaders and decision-makers. In research conducted in 1994, the following data was collected concerning the number of women on the boards of directors in public companies traded on the stock exchange. In 61% of the public companies, there were no women appointed to the board of directors, and in 27% there was only one woman. In addition, research showed that more women serve on the boards of private or family-owned companies than on a public companies traded on the stock exchange.

According to the aforementioned research, men have a higher tendency to serve as directors of multiple companies, whereas women have a higher tendency to hold multiple jobs in the same company, in addition to serving as members of the board.

Recent data submitted to the Knesset Committee on the Status of Women by the Women Managers in Industry Forum show that the situation did not improve significantly from 1994 to

1996: in both years women constituted less than 9% of the directors in public companies traded on the stock exchange, and in 702 such companies researched, only 322 had women on their boards.

1. 2. Attitude of Women Directors

The research revealed additional differences between the attitude of women and men directors: women emphasize the shareholders' interest, the ability to influence the management and social prestige associated with the job. Men, however, attach strong importance to public interest, the ability to make connections, and their own management experience. These differences reflect important aspects of how directors get appointed: men are usually appointed through friends, network connections, or business associates, while women are appointed mostly due to family connections and public activity.

1. 3. Women in Small Businesses

Another significant aspect of economic participation is expressed through entrepreneurship, particularly in small businesses. The influence of small businesses in generating employment opportunities has risen greatly in the recent years. Therefore, the participation of women in small businesses should be undestood as a major channel through which women enter the Israeli economy.

In a recent national survey conducted under the auspices of the Small Business Authority in Israel, it was found that:

1) 8% of all women aged 22-55 were operating their own business.
2) The life-span of small businesses of women is relatively short: (45% operate 1-4 years, 51% operate 5-7 years.)
3) The major obstacle that women must overcome to be entrepeneurs is lack of experience in financial and marketing strategies.
4) Since women generally own less property than men, it is more difficult for them to provide sureties in order to receive necessary loans.

In 1996, the Committee for Promoting Women Entrepreneurship published a report which calls for increasing the number of women in bank managerial positions in order to influence the banks' attitude in favour of women's requests for loans and credit ratings. There is a National Fund for Promoting Small Business from which women can get loans with State guarantees.

The Small Business Authority of Israel (hereinafter: "**SBAI**") is a government agency designed to help, promote and assist small businesses in Israel. The SBAI established a committee aimed at helping women set up small businesses and aiding women entrepreneurs. The SBAI provides courses in business management to women all over Israel. In addition, the SBAI has set up Women Managers Clubs in cooperation with *Na'amat* (see Article 7).

Research done by the SBAI committee on the likelihood of women to open a small business revealed that 1) the average age of women entrepeneurs was 52, 2) their average education consisted of 13.5 years, 3) 70% of women entrepeneurs were married and 85% were mothers. The reasons and methods used for setting up a small business are summarized in the following table:

Table 1 - Women's Reasons for Establishing a Small Business

Reasons	%
Alternative to Working as an Employee	24
Desire for Financial Success	26
Reaching a Goal	15.5
Independance	15
Need for Change	13.4

Source: SBAI Committee

The following table depicts the various means through which women entrepeneurs obtained the money needed to start their business:

Table 2 - Sources of Funding for Intiation of Businesses

Source	% of Women
Almost Didn't Need	30
Private Sources Only	41.1
Family	5.3
Bank Loans	15.5
Non- Private Sources	8.2

Source: SBAI Committee

According to this data, in order to get capital most women preferred to borrow from relatives and friends rather than from banks. A small percentage of women reported difficulties in acquiring bank loans due to eligibility problems.

2. Social Benefits and the Welfare State in Israel

2. 1. The National Insurance Institute

The welfare state in Israel emerged gradually during the 49 years since the state's establishment. Israel succeeded in building a comprehensive system of social protection which encompasses social insurance and social assistance programs. The cornerstone of social insurance was laid soon after the establishment of the state, through the passage of the **National Insurance Law-1953.** The social insurance system is extended to include all major contingencies of income loss in modern industrial societies: **old age, dependents, disability, child rearing, maternity, unemployment, and work injury.**

The body responsible for administration of the social insurance programs is the **National Insurance Institute** (hereinafter: "**NII**") which operates under the supervision of the Ministry of Labor and Social Affairs. The NII provides welfare services to residents in need. The NII is also responsible for the payment of benefits under the social assistance program, as directed in the **Income Support Law- 1980**. Employment-related social benefits are described under Article 11. The following sections will describe other relevant social benefits, and will include data on recipients of such benefits.

2. 2. Social Benefits

2. 2. 1. Maternity Grant

Women are insured under maternity insurance, which provides a hospitalization grant, a maternity grant (both of which are only for the mother and not for the father) and a maternity leave allowance. Any woman who gives birth at a hospital is eligible for a maternity grant, set as 20% of the average wage, upon the birth of one child, and 100% upon the birth of twins. The conditions for eligibility for maternity leave allowance are detailed under Article 11.

During 1996, 56,000 women received maternity leave allowances, constituting 49.1% of all births that year. This means that less than half of the women who gave birth in 1996 were eligible for the allowance, in terms of working the required amount of months prior to the birth, as explained under Article 11 above.

2. 2. 2. Old Age Pension and Survivor's Benefit

96% of all women over age 65 in Israel receive an old age pension or a widow's pension for dependents. Of those receiving an old age pension, 61% receive the pension after having accrued insurance coverage, while 21% receive pensions in the form of a supplement to the spouse's pension. An additional 18% of elderly women, primarily new immigrants who were unable to accrue pension rigthts in Israel, receive pensions under special arrangements funded by the Treasury (general revenues.)

2. 2. 3. Longterm Care Insurance

All women, including housewives, are insured under long-term care insurance (see Article 12 above), and the conditions of entitlement are identical to that of men with one distinction: the age of entitlement for women is 60 and for men 65. Moreover, the conditions for entitlement to the benefit require at least 50% medical disability for housewives compared to 40% medical disability for other insured persons.

2. 2. 4. Unemployment Benefits

A person who is registered at the Employment Service, who is ready and able to work, and to whom the Service has not offered such work, is entitled to unemployment benefits. The daily unemployment benefit is calculated at rates determined in the law, on the basis of the daily average wage of the unemployed person during the last 75 work days of the qualifying period. In 1996, 45.4% of all women aged 15 or older were part of the work force. The number of women receiving unemployment benefits was only 3.9% of the women's work force. The comparable figure for men was 2.8%. Women's unemployment rate in 1995 was 8%, and men's unemployment rate was 5.1%.

2. 2. 5. Children's Allowances

The NII provides children's allowances to an insured parent under the law, paid to one of the parents for each child (under the age of 18) and to an insured person who supported a child who is not his or her child for at least 12 months.

2. 2. 6. Alimony Payments

The **Alimony (Guarantee of Payment) Law -1972** states that any person, regardless of gender, who has received a court decision in his or her favor for alimony and who is an Israeli resident, may receive this grant from the NII according to the court decision. Currently, the sums are 25% of the average wage for the alimony of a woman alone; 39.7% of the average wage for a woman with one child; 49.6% for a woman with two children. This law is a revolutionary law, enabling entitled people who cannot succeed in implementing the court decisions on their own, to receive the sums laid down by the courts.

In 1996, 18,283 women received alimony payments. The overwhelming majority (99.3%) were women with children. About one third had one child, one third had two children, close to 20% had three children and about 10% had four children or more. The amount paid increases according to the number of children. Significantly, only 5% of the women received the sum determined in the regulations, since the sum that is decided in the courts is usually lower, and the beneficiary is entitled to the lower sum of the two. Thus, the average sum of alimony payment in 1996 was only 19.9% of the average wage.

Other information indicative of the economic situation of women receiving alimony payments through the NII is that of all women who received unemployment payment in 1996 (36,750 women), 52.5% had also received alimony payment.

2. 3. Poverty of Women

According to the definition of poverty adopted by the NII, a family is considered poor when its standard of living falls considerably below the defined poverty line. The poverty line in Israel is defined as 50% of the median disposable income (i.e. after the various social-security transfer payments and income tax), adjusted to family size.

/...

According to the statistics offered by the NII, there are almost no gender-related differences regarding the incidence of poverty among the population, and poverty is documented in equal proportions among both men and women. In 1995, out of 1,447,900 adult women, there were 224,600 earning an income below the poverty line. Out of 1,324,300 adult men, there were 189,300 living below the poverty line. According to these statistics, women constituted 54.3% of the persons having an income below the poverty line, while men constitute 45.7% of the persons having an income below the poverty line. Since women constitute 52.2% of the adult population these figures show that the proportion of women in poverty is only slightly larger than their proportion in general in the population (54.3% vs. 52.2%).

Nevertheless, there are specific population groups which are especially vulnerable to poverty, particularly those families that are headed by women. The statistics concerning poverty in families headed by women are as follows: 21.9% of all families headed by women live below the poverty line, 25% of all families headed by elderly women live below the poverty line, and the incidence of poverty in single-parent families headed by women are estimated to be higher, but unfortunately the NII data regarding this group is not sufficient to enable a precise assessment. Regarding two-parent families, the poverty rates are smaller: 13% among families with no children; 7% among families with one child; 11% among families with two children; 15% among families with three children; and the striking figure of 40% among families with four children or more (related to the socio-demographic characteristics of such families). The impression of a higher poverty rate among women-headed families is strengthened by the data concerning income support benefit, discussed below.

Much of this information regarding the economic status of women-headed households is the direct result of the earning gaps that exist between women and men, as discussed extensively under Article 11 above. This contention is supported by the breakdown of the incidence of poverty among working men and women, when the analysis is done according to the disposable family income, adjusted by the number of family members. The NII data reveals that 14% of working Jewish women are below the poverty line, while the poverty rate for working Jewish men is only 7%. Interestingly, the opposite is true among working non-Jewish men and women. The poverty rate among non-Jewish working women is 20%, and among non-Jewish working men is 23%.

/...

2. 3. 1. Single Parent Families

In 1995, around 10% of all Israeli households constituted single-parent families (data varies between the Central Bureau of Statistics and the National Insurance Institute). Over 80% of these households are headed by women. According to the NII, poverty among single-parent families is more frequent than among two-parent families. Researchers further contend that almost one third of families with children that are headed by women are poor, compared with 15% of families with children that are headed by men. Unfortunately, neither of these estimations can be presently verified, since the sample used by the NII income-survey is too small to enable statistical analysis regarding single-parent families. One indication of the limitations of these estimates is the disproportionately high rate of single-parent women who received income support benefits in 1995; in this year 41% of all women receiving income support benefits were single-mothers. Overall, the high percentage of single-parent families headed by women living in poverty has been recognized as a serious problem, which is being dealt with in several different ways.

The **Single-Parent Family Law 1992** entitles single-parent families to income support, and has strengthened the social protection for single-parent families with low income, by increasing the level of their means-tested benefit as well as by awarding them child-education grants and priority in vocational training. The **Single-Parent Family Law** brought about an equalization of rights among the various types of single-parent families, whether headed by men or by women, under the principle of "equal treatment for families with equal needs."

The Law was amended in 1994 and the definition of "single-parent" was broadened to include women or men who are separated from their spouses for at least two years and who have started divorce proceedings, immigrants whose spouses did not immigrate with them, and *agunot* (women whose husbands refuse to grant them a bill of divorce). According to the **Single-Parent Family Law**, every single parent is entitled to children's benefits, while those that do not have any income aside from alimony payments are entitled to income support. In 1995 the benefit to deserted wives and mothers whose spouses were in jail was increased by 50% in order to combat the high rate of poverty among these families.

In addition, single-parent families are entitled to benefits in income tax, special *credit points* which reduce the amount of taxes they have to pay, and financial help in paying rent. Moreover, the NII provides a single parent family with a children between the ages of 6-14 with a yearly study grant.

2. 3. 2. Poverty among the Elderly

Women's organizations have pointed out that, as part of the more vulnerable population, elderly women constitute a higher percentage of persons living below the poverty line. One of the means for dealing with this problem is the **Law for the Reduction of Poverty and Income Disparities 1994**. Under this law, the benefits paid to the elderly and single-parent families have risen significantly. This law is likely to help more women than men since women generally live longer than men.

According to statistics submitted by the NII, however, the situation today is that poverty among the elderly is found in almost equal proportion among men and women. The percentage of elderly women living below the poverty line is 19.2%, and among elderly men is 18.9%.

2. 4. Combating Poverty

2. 4. 1. Income Support

Transfer payments play a crucial role in reducing poverty and income disparities. According to the **Income Support Law - 1980**, Israeli residents over 18 years old, subject to a means test that takes into account the economic situation of the family unit as a whole, are entitled to an income support benefit under certain conditions, including, for example: unemployment; employment at low wages; single-parenthood with a child up to the age of 7; and more. The benefit rates, presented as percentages of the average wage, vary according to the conditions of eligibility. Single parents with children get the highest rate of income support: with one child - 43%, with two or more children - 53%.

Income support is given on the basis of a family unit. In 1995, among all recipients of income support benefits 65% were women, of whom 34% were married with or without children, 25% were unmarried, and 41% were single-parents.

ARTICLE 14 Rural Women

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on the basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

a) To participate in the elaboration and implementation of development planning at all levels;
b) To have access to adequate health care facilities, including information, counselling and services in family planning;
c) To benefit directly from social security programmes;
d) To obtain all types of training and education, formal and non formal, including that relating to functional literacy, as well as inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;*
e) To organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
f) To participate in all community activities;
g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
g) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

The issue of rural women is not particularly relevant to the State of Israel, since only 10.4% of the Israeli population lives in rural localities. Two main groups which this Article will concentrate upon are Bedouin women and women in *kibbutz*.

/...

1. Bedouin Women

1. 1. Introduction

This chapter focuses on the 100,000 Bedouins who live in the southern Israeli desert regions. Half of the Bedouins who reside in southern Israel live in one of 7 Bedouin towns that were officially founded and recognized by the State (Tel-Sheva, Rahat, Chora, Lakye, Sgav- Shalem, Aroer, and Csype,) while the remaining half are scattered across the desert and live in semi-nomadic clans.

The Bedouin community has undergone many changes since its first exposure to Israeli society. The process has had various social, political, and economic effects on the Bedouin community, and has weakened many age-old customs of Bedouin society: particularly those of Bedouin women.

1. 2. Family

Bedouin society is patriarchal and traditional. Bedouin women traditionally hold all domestic responsibilities, including upkeep of the family tent, and education of children. In addition, women were held responsible for caring for members of the tribe who were in need of communal assistance, like the elderly or the infirm.

1. 3. Israel's Influence on the Bedouin Social Structure

1. 3. 1. The Rise in Polygamous Marriages

Historically, Bedouins practiced polygamy, and in recent decades the popularity of polygamy has risen. Exposure to Israeli society has either lead Bedouin men away from their villages, or brought them back to their villages with new expectations as to their future lifestyles there, which include the expectation to marry partners who share their more western outlook and possess a similar educational background. Bedouin women, who are usually not allowed to leave their village for educational or employment purposes, have not been able to meet the expectations of their westernized male counterparts. Consequently, many remain unmarried at relatively advanced ages (late 20s early 30.) . Unmarried Bedouin women remain dependent on their families and are perceived as economic burdens by their fathers, who are traditionally in

/...

charge of family finances. In order to remedy the situation, many of these older unmarried Bedouin women are married off as second or third wives.

In the Bedouin town Rahat (the largest of the officially recognized Bedouin towns in the south) the average age of legal wives in monogamous marriages is 18.3, and the average age of the first wives in polygamous marriages is 20.5, while the average age of the other wives in a polygamous marriage is 24.24 (Alatona, 93.) In addition, the research indicates that the number of forced marriages was significantly higher among additional wives in polygamous marriages than among the first wives in polygamous marriages or wives in monogamous marriages. Polygamous marriages occur among educated Bedouins men and women as well. Often, an educated woman will be married off as a second or third wife, yet her level of education seems to be a positive variable in her status in the polygamous marriage. In Rahat, while wives in monogamous marriages received an average of 4.4 years of education and additional wives in polygamous marriages received an average of 3.5 years of education, the first wives in polygamous marriages were found to have received only .7 years of education on average. The status of the first wife in a polygamous marriage varies: some of the first wives are all but abandoned by their husbands in favor of the new wives although they are not officially divorced, while others become more prominent in their position as compared to the other wives.

Education was found to increase self-esteem among women in monogamous marriages, though educated women in polygamous marriages were found to more frustrated by their marriage arrangements because they were more aware of their educational and professional potential.

Israeli law forbids polygamy, though Bedouin men manage to circumvent the law by marrying one wife legally and the rest traditionally, later claiming to the Civil courts that the other wives are strictly maintained as "concubines." However, the *Shaaria* (Moslem) courts recognize the concubines as legal wives and grant them divorces as well (Alatona, 93).

1. 3. 2. Modernization as a Bane to the Status of Bedouin women

As a result of the government-sponsored transition of the Bedouin community from a semi-nomadic lifestyle to permanent residences, many of the traditional activities of the Bedouin women have been replaced by modern technology and by the Israeli educational system. The abandonment of traditional life has left a vacuum in the lives of Bedouin women that has yet to be filled by new forms of activity; these women are unequipped and unable at this stage in their lives to enter to go into the labor market or pursue a formal education. Thus, they have been left unemployed, although they are not formally recognized as such by the Israeli government. The Bedouin men see the change in their wives role in the nuclear family as a transition from a productive to a consumptive role which leads to a gradual loss of respect for their wives and the roles which they play in the family unit.

1. 4. Employment

Bedouin men still object to sending their wives and daughters to work outside of their town and villages. At present, Bedouin women are more interested in vocational training which will provide them with skills that can be utilized within their homes or villages. Since Bedouin social code dictates that women must be accompanied at all times and places outside the home, Bedouin men only allow their wives to work outside of the home provided that they are supervised at all times.

Bedouins in the Galilee have overcome these societal constraints through the supervision of *Raisim*, i.e. labor contractors or work supervisors, who assume the responsibility of protecting Bedouin women when they are working outside the home. The *Raisim* usually organize groups of women to work in factories, agriculture, and as household help, and these women are often paid through the *Raisim*. While in the past Bedouins were decidedly opposed to women working at night, the *Raisim* system has created the opportunity for village women to work night-shifts in factories and in hotels. The competition amongst *Raisim* to manage as many workers as possible ensures that women will not be taken advantage of. Presently, the phenomena of Bedouin women working through the *Raisim* arrangement is only significant in the Northern Bedouin villages located in the Galilee.

1. 5. Education

Bedouin children enjoy a public school education comparable to the public school education provided all over Israel. However, only 30% of Bedouin students complete the 12th grade, and barely 3% of the students successfully complete graduation requirements.

Currently, Bedouin girls constitute at least 50% of the student body of the recognized Bedouin schools. Many parents expect their daughters to return to their traditional roles in the Bedouin households upon graduation from 12th grade, which often results in irreconcilable differences between the traditional parents and their educated daughters who refuse to return to domestic work which does not allow them to use their education. Furthermore, many girls who are allowed to work must hand their wages over to their parents and often resent their inability to enjoy the fruits of their labor. These irreconcilable differences lead a significant number of Bedouin girls to run away from their homes to shelters and half-way houses.

Recently higher education has begun to gain acceptance among some Bedouin parents who realize that in order for their daughters to lead comfortable lifestyles and find suitable husbands (given the rise in demand for educated wives among young Bedouin men) they must have advanced education. Nevertheless, most parents still associate the university setting with decadence, and fear that sending their daughters to university will result in the desecration of their family's honor.

1. 6. Ritual Female Genital Operations (Female Circumcision)

Ritual female genital surgery (RFGS) has been found to be a normative practice in several Bedouin tribes in southern Israel. Those Bedouin women among whom the custom is prevalent do not refer to female circumcision in anatomic terms, but rather refer to it as "purification." In 1992, Bedouin women from six different tribes were interviewed regarding their circumcisions. The women interviewed were between the ages of 16 and 45. They reported that not only they, but all their sisters and the women in their close and extended family underwent RFGS. The older women who had daughters reported that their daughters had already undergone RFGS or will undergo RFGS when they reach the suitable age. The ages between 12 and 17 are considered suitable for RFGS, since they are after menarche but before the girls reach a marriageable age.

Most of the women stated that they will continue practicing RFGS on their daughters, however, two young women aged 16 and 18, who were among the younger and better educated women in the group, said they will not perform RFGS on their daughters.

/...

A physical examination of women from the same tribes revealed that the RFGS performed on them did not involve clitoridectomy. However, all of the women recorded bleeding and pain at the time of the RFGS. Three of the women reported that they had required medical attention. All of the women reported pain on intercourse in the months after marriage. None of them felt this to be related to RFGS and many approved of the practice and intended to continue the tradition.

1. 7. Organizations for the Advancement of Bedouin Women

Currently, there are no organizations specifically run by Bedouin women. The Bedouin community itself does not provide a social framework for women outside of infrequent social gatherings under religious auspices. Some Bedouin women have shown a great deal of interest in the formation of such organizations. The social workers in the town Csyfe were the first to open a women's recreational center in a Bedouin town. Some of the activities provided by the center are workshops for learning Hebrew, classes to complete the basic requirements for a high-school diploma, and social gatherings.

1. 8. Health

The new Health Insurance law has been changing the face of health care for Israel's Bedouin residents. For example, before the enactment of the new law, 20,000 residents of the Bedouin town of *Rahat* (about half of the city's population) were uninsured. The remainder of the residents who were insured belonged to the General Sick Fund, which only maintained one infirmary in the entire city. The new law, which has guaranteed coverage for all of Israel's residents, has led two additional sick funds to open branches in *Rahat*. In addition, the Health Ministry has approved the construction of 6 new infirmaries in officially recognized southern Bedouin towns. However, the Ministry's southern district currently lacks the necessary funding and labor-force to provide the full basic basket of services for the Bedouin community. The shortage of doctors to fill the needs of the Bedouin community has been estimated at 50% and the shortage of nurses has been estimated at 30% (Belmeker, 1996). The Health Ministry has attempted to respond to the problem by appropriating approximately 200,000 NIS each year since 1995 specifically for the Bedouin sector, which have been expended on training seminars for nurses to serve the Bedouin community.

/...

An additional problem in applying the new law concerns the 40,000 Bedouins of the south who live in areas where there are no permanent health services. They are currently forced to walk at least 5 kilometers, or wait for traveling doctors provided by the sick funds, in order to enjoy the services now included in the basic basket of services. Presently, the government maintains two traveling medical teams, and uses the services of an additional private traveling medical team. Under the new law, infirmaries providing basic services must be within a "reasonable distance" from the residence of the insured. Therefore, in order to maintain the law's instructions, more infirmaries must be erected closer to Bedouin villages. More attention should also be given to those health services where the Bedouins' need is greater, such as obstetrics and pediatrics; while 20%-25% of the population which makes use of the Soroka hospital in Be'er-Sheva are Bedouins, over 45% of the births in that hospital (11,000 in 1995) are those of Bedouin women.

1. 9. Violence Against Bedouin Women

Social workers who work in Bedouin communities maintain that they manage to prevent 20-30 girls each year from being murdered on account of having "desecrated their family's honor," and have minimized the occurrence of such murders altogether. The social workers use relatively unconventional methods to prevent the murders, such as secret abortions. Although the notion of "family honor" is deeply ingrained in the Bedouin ethos, the social workers explain that parents are reluctant to react to their daughters' promiscuous behavior unless it becomes publicly known and they are pressured to react by their community.

2.Women on the Kibbutz

2. 1. The Myth of Equality

Kibbutz movement ideology strives to create and maintain equality between the sexes. This ideological emphasis on equality however, has failed to compensate for the reality of female kibbutz member's inferior status, a problem which has existed throughout kibbutz history.

The **Associated Partnership Statute (categories of associations) - 1995**, defines a kibbutz as an organization which is its own settlement based on joint ownership of property, independent work, equality and joint production, consumption and education. According to this definition,

/...

women are entitled to the same rights and responsibilities as any kibbutz member. In other words, from a legal standpoint there is equality between men and women on the kibbutz.

2. 2. A Woman's Role in the Kibbutz

2. 2. 1. Education

During the past 25 years the right to higher education has been provided to both male and female kibbutz members. Statistical studies show that 69% of kibbutz men and 74% of kibbutz women, age 31- 40 have at least 13 years of education. This gap narrows in poles taken of younger people, though more men have advanced degrees.

Fields of study are often divided by gender, with most women studying social sciences, psychology and art; and most men economics, earth science and technical vocations

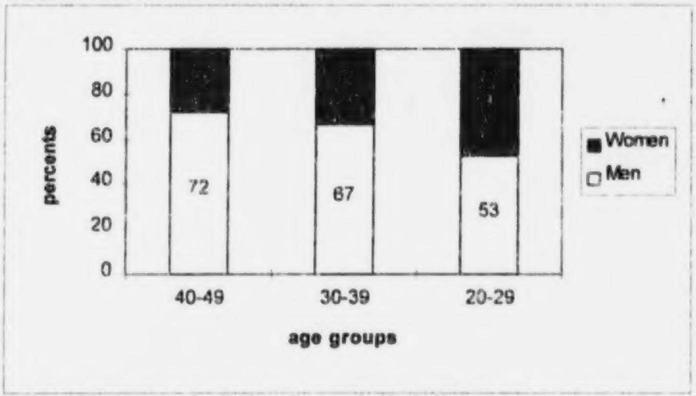
Table 1 - Fields of Study

Subject	Men		Women		Total	
	Absolute Numbers	Percents	Absolute Numbers	Percents	Absolute Numbers	Percents
Economics, Engineering, Sciences	4252	75	1389	25	5641	100
Art, Education, Humanities	1457	23.5	4736	76.5	6193	100

Source: TKM Statistical Division, 1994

In other fields of study this gender division is less extreme, for example in economics and engineering.

Chart 1 -Students of Economics



Source: The Institute for Kibbutz Research, Haifa University

2.3. Employment

Most female kibbutz members are employed in education, domestic work or public service, whereas most men are employed in agriculture, industry or production management. In kibbutz industries, few women are employed as "blue collar" workers, most are in secretarial positions. This division can be found in executive positions as well, where most senior positions are filled by men.

Table 2 - Areas of Employment on Kibbutzim, by Gender

Branch	1978		1986-87		1994	
	Women	Men	Women	Men	Women	Men
Agriculture	1	31	3	22	5	23
Industry, Crafts, and Tourism	8	30	6	38	21	34
Public Services	37	10	30	6	26	16
Education	30	5	38	40	26	5
Secretarial	8	8	12	14	12	15.5
Other	7	16	11	16	10	6.5
Total	100	100	100	100	100	100

Source: The Institute for Kibbutz Research, Haifa University, 1996

Table 3 - Level of Skill Required for Job
percents

Level of Training	Women	Men
Low	40	31
Medium	27	35
High	33	34
Total	100	100

Source: The Institute for Kibbutz Research, Haifa University, 1995

In sum, it can be concluded that there is a clear division of labor based on gender in kibbutz society. This division dictates which positions are to be allocated to women and which to men.

2.4. Appointment of Men and Women to Public and Political Positions on the Kibbutz

In the past twenty years, only 16 women have been appointed to management positions on kibbutzim; today 5.7% of those in office are women, which does not show a substantial increase from 1973. Over this same period, 34.5% of those holding the position of kibbutz secretary were women, though the number of women in other significant kibbutz management positions, such as treasurer, has remained low. The following table shows that the number of female chairpersons of committees in male dominated fields is statistically insignificant.

Table 4 - Women Supervisors of Committees

Committee	% Women
Education	80
Health	77
Budgeting	36
Workforce/ Manpower	21.3
Money	8.5
Planning, Building	7.8
Sport	6.4
Kibbutz Economics	2.8
Auto Pool	1.1
Security	0

Source: The Institute for Kibbutz Research, Haifa University

In sum, contemporary statistics about the division of labor on kibbutzim tend to reflect that which was reported by researchers more than twenty years ago. Men and women are active in fields which are an extension of their traditional roles; men in fields of economy and economics related to sources of livelihood and resources, and women in roles of care-givers.

ARTICLE 15

Equality Before the Law and in Civil Matters

1. State Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. They shall in particular give women equal rights to conclude contracts and to administer property and treat them equally in all stages in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

1. Legal Capacity of Women

As explained under Article 1, complete formal equality between men and women before the law is entrenched in Israeli law, except in matters governed by religious law. Women hold complete legal capacity to conclude contracts and administer property. Women have the same rights as men to make contracts in their own name, including those relating to credit, real estate and other property, as well as to make other commercial transactions, notwithstanding their personal status.

The **Women's Equal Rights Law-1951** specifically relates to the issue of marriage, providing complete legal capacity for a married woman with regards to property "as if she were not married." This provision abrogated the power of religious law which designates husbands as administrators and proprietors of their wives' property.

2. Gender-Specific Legal Concepts

Two particular Israeli legal concepts apply to women and not to men: one is in the area of social benefits, namely the concept of the home-maker, or rather its gender-specific label of "housewife," which only applies to women and not to men. The other is in the area of defenses under criminal law, namely the defense of *post-partum-syndrome* which applies to rare cases where a woman who suffers from severe depression after giving birth, consequently kills her newborn baby. Section 303(a) to the **Penal Law-1977** states that in such cases, where the baby was under 12 months of age, the maximum punishment of the mother is 5 years imprisonment. Section 303(b) makes clear that this special defense does not preclude the possibility of an absolute immunity for reason of insanity.

3. Equal Participation of Women in the Courts-System

Women are treated equally and participate equally in the civil-courts, both as litigants, witnesses, lawyers and judges (qualifications to this formal equality are discussed in the following section). The situation, however, is different with respect to the religious courts system, which is part of the national judicial system, and has exclusive jurisdiction in matters of marriage and divorce, and concurrent jurisdiction in other matters of family law.

Under Jewish law, women are not qualified to be witnesses. However, *halachic* (Jewish law) authorities throughout the ages have found various solutions and means to accept women's testimony, and in practice, rabbinical courts accept their testimony and accord it the same evidential weight that is accorded to men's testimony.

An interesting development had taken place with respect to the representation of clients in rabbinical courts. Certified attorneys, whether men or women, can represent clients in rabbinical courts (or in other religious courts) in any and all matters. However, both rabbinical and Moslem courts recognize the competence of rabbinical or *sharia* advocates to represent clients only in the relevant religious courts, without being certified attornies. The **Rabbinical Advocates Law - 1955** originally applied to men alone, since it required graduation from a *yeshiva* (an institute of higher learning of religion and religious law, traditionally for men alone) as a primary condition for qualification as a candidate to the profession. The law was amended in 1991 to include graduates of other educational institutes of higher learning that are recognized by the Chief Rabbinical Court as eligible candidates for the profession. However, no regulations or other directives were passed to establish the criteria for such recognition. Only in 1994, after an institute for higher *Torah* learning for women petitioned the High Court of Justice, did the Chief Rabbinical Court decide upon the criteria for its recognition. The High Court of Justice reviewed those criteria, and found that some of them, such as the requirement of full-time everyday studies for full two years, were intended to make it impossible for women students to qualify for candidacy, and were therefore discriminatory. Several dozen women have since passed the examinations and are now functioning as rabbinical advocates; they primarly represent women clients.

3. 1. Gender Bias in the Courts

3. 1. 1. Special Study of Gender Bias in Israeli Courts

In the early 1990s the Israeli Women's Network initiated a study on gender-bias in Israeli courts. With the support of the Ford Foundation and the academic backing of the Jerusalem Institute of Israel Research, the study was designed to determine if and how gender bias was manifested in Israeli courts. The study began in 1992, and concluded toward the end of 1996

3. 1. 2. Main Findings of the Study

Some of the main findings of the research are as follows:

1. Judges seem to accord greater credibility to men than to women, both as defendants and as lawyers. Women lawyers were significantly less successful in persuading judges than were men lawyers, regarding both sentence length and the ratio between prison term and maximum sentence. Lower sentences were imposed when women were the prosecutors and higher sentences were imposed when women were the defense attorneys. Furthermore, men prosecutors were most persuasive when the defense attorney was a woman.
2. When the accused was a stranger to the woman victim, the prison term he was sentenced to was almost double the sentence as when the accused was a family member of the woman victim.
3. Women acting as sole judges (i.e. when not ruling as part of a panel of judges) declare lighter sentences than their male counterparts. For example, the average jail sentence in sex crimes, passed by a sole woman judge, stands at 9.5 months, as compared to 23 months passed by sole male judges, for the same crimes. Women judges tend to cite the negative characteristics of the victim. On the other hand, in cases where judgment is passed by a panel of three judges, when the panel includes a woman judge, the punishment is heavier than when it is an all male panel.
4. It was further found that the rate of convictions in "crimes against life" is lower when the victim is a woman, and that the period of imprisonment for crimes against the lives of women is

significantly lower than imprisonment for crimes against the lives of men. The length of a jail sentence is approximately 2 years shorter when the victim is a woman.

A summary of the study was submitted to Justice Barak, the Chief Justice of the Supreme Court, who decided on the establishment of a committee to investigate the results of the report and its implications.

3. 1. 3. Workshops on Gender Bias for Judges

The researchers recommend, among other things, that continuing educational programs for judges be instituted that will raise the issue of gender bias (as well as other forms of bias in the courts). Experimental programs in that direction were already initiated prior to the study by Judge Rotlevi of the Tel-Aviv District Court. However, according to her report, those seminars were not very successful, and attendance was low.

ARTICLE 16

Equality in Marriage and Family Law

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

a) The same right to enter into marriage;

b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

c) The same rights and responsibilities during marriage and at tits dissolution;

d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education, and means to exercise these rights;

f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children or similar institutions where these concepts exist in the national legislation; in all cases the interests of the children shall be paramount;

g) The same personal rights as husband and wife, including the right to choose a family name, a profession, and an occupation;

h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

1. Introduction

This article is one of two that the State of Israel has ratified with reservations, due to the fact that religious law governs family law in Israel, insofar as the legal issues in question are classified as "matters of personal status," and are not qualified by territorial legislation (*i.e.* civil laws that specifically apply in both religious and civil courts). The scope of the legislation termed "matters of personal status," which covers all personal laws (except for Islamic laws), has narrowed over time, and currently includes only marriage, divorce, alimony and child support. The scope of this legislation regarding Moslems in Israel is broader, and includes child-custody and paternity matters as well.

Until 1995, jurisdiction over family matters was divided between the religious and the civil courts, and within the civil judicial system itself. This was changed by the **Family Court Law - 1995**, which established a new family-law division within the magistrate courts which was responsible for all family matters under the jurisdiction of the civil system. The establishment of the family-courts system, however, has not affected the jurisdictional split between the religious and the civil judiciaries.

2. Reservations to Article 16

The maintenance of religious law in matters of family and divorce is perceived to be one of the most vital components of Israeli law, since it ensures that the State of Israel is the state of the Jewish people. It is thus considered a foundational aspect of the sensitive relationship between religion and state in Israel. Due to the reservation that the State of Israel entered with regard to this article, insofar as the laws of personal status affect the laws of various religious communities in Israel which do not conform with the provisions of this Article, the following sections will not discuss the legal situation in matters of marriages and divorce, nor in matters of spousal support.

3. Some Demographic Data

Israel is a very family-oriented society. The desire to raise a family has always been ranked highly in studies of Israeli Jewish high-school students, although girls tend to rank it higher than boys. The family-oriented nature of Israeli society is illustrated by the following data, which details rates of marriage and percentages of non-married and never-married men and women in different age-groups:

Table 1 - Population Aged 15 and Over, by Religion, Marital Status and Age

Age Group	Males					Females				
	Total	Never Married	Ever Married	% Never Married	% Non-Married	Total	Never Married	Ever Married	% Never Married	% Non-Married
	Thousands					Thousands				
	Jews									
Total	1,548.60	498.3	1,050.40	32.2	45	1636.2	395.9	1,240.40	24.2	39.7
15-19	198.4	197.8	0.6	99.7	99.7	188.3	184	4.4	97.7	97.7
20-24	181.8	160.9	21	88.5	88.7	175.7	119.7	56	68.1	69.3
25-29	155.4	75.7	79.7	48.7	50.7	151.3	38	113.3	25.1	29.6
30-34	146.1	29.7	116.4	20.3	24.9	144.7	15	129.7	10.4	18.1
35-39	148.3	14.1	134.1	9.5	15.2	152.9	10.6	142.3	6.9	16.3
40-44	151.1	6.9	144.2	4.6	10.8	155.4	8.7	146.7	5.6	16.9
45-49	127.2	3.8	123.5	2.9	10	133.9	6.4	127.6	4.8	18.9
50-54	78.9	1.8	77	2.3	10	84.4	3.1	81.4	3.6	20.9
55-59	81.5	2	79.5	2.4		90.4	2.5	87.9	2.8	
60-65	72.5	1.6	70.9	2.2		85.7	1.9	83.8	2.2	
60+	207.5	4	203.4	1.9		273.5	6	267.5	2.2	
	Moslems									
Total	222.2	86.9	135.3	39.1	44.8	219	65.7	152.7	30	36.9
15-19	45.9	45.4	^ 5	98.9	98.9	43.7	37	6.6	84.4	85
20-24	39.5	29.2	10.2	74.1	74.7	38.4	14.2	24.3	36.9	38.8
25-29	32.7	9.1	23.7	27.7	29.8	32	4.8	27.2	14.9	18.5
30-34	27.1	1.9	25.2	7	9.9	27	4.5	22.5	16.6	20.4
35-44	34.6	0.9	33.7	2.7	5.7	34.4	3.3	31.1	9.7	15.1
45-54	21.4	0.3	21.2	1.3	5	20.6	1.2	19.4	5.7	18
55-64	12.3	0	12.2	0.3	4.5	12.7	0.5	12.3	3.9	
65+	8.8	0.1	8.7	1	3.5	10.3	0.3	9.3	2.8	

Source: CBS, SAI 1996

Table 2 - Median and Average Marriage Age

Men

	Jews		Moslems		Christians		Druze	
Year	Average	Median	Average	Median	Average	Median	Average	Median
1960	29.1	25.7						
1970	27.1	24.4	25.4	24.3	28.6	27.5	23.9	22.7
1980	27.3	25.3	24.9	23.7	28.5	27.4	22.6	21.6
1985	28	26.2	25.2	23.9	28.9	27.5	23.6	22.3
1990	28.3	26.5	25.6	24.6	29	27.6	25.7	24.4
1994	28.1	26.5	25.8	24.7	29.5	28.2	26.5	24.4

Women

	Jews		Moslems		Christians		Druze	
Year	Average	Median	Average	Median	Average	Median	Average	Median
1960	24.6	21.7						
1970	23.6	21.6	20.4	19.4	22.4	21.5	19.7	19
1980	24.1	22.3	20.5	19.5	22.3	21.5	18.9	18.2
1985	24.6	23	20.9	19.8	23.7	22.4	19.8	18.6
1990	25	23.5	21.2	20.1	23.6	22.6	20.3	19.1
1994	25.1	23.8	21.3	20.1	23.9	22.5	20.8	19.7

Source: CBS, SAI 1996

Marriage ages for both women and men have risen over the years, while the gaps in the average and median ages of women as compared to those of men remain more or less unchanged. The low marriage age of Moslem and Druze women is particularly striking.

Divorce rates are considerably higher in the Jewish population than in the Moslem population:

Table 3 - Persons Divorcing by Religion, Age and Year

Age	1994		Husbands				Wives			
	Husbands	Wives	1972	1983	1993	1994	1972	1983	1993	1994
	Absolute Numbers		**Rates (per 1,000 married men and women in all age groups)**							
Jews										
15+ Total	7,417	7,417								
15-49	*6,511*	*6,004*	5.6	*8.5*	*9.7*	*10.5*	*5.1*	*8*	*9.4*	*10.2*
Up to 19	72	8	5.3		16	14.3	10.4	15.9	20.9	17.1
20-24	868	316	8.9	14.9	13.8	15.7	8.7	13.5	14	16.4
25-29	1,378	1,016	7.7	10.7	12.4	13.5	6.8	10.2	12	13.2
30-34	1,225	1,339	6.6	9.2	11.6	12.4	4.6	7.7	10	10.5
35-39	1,198	1,256	5.3	7.6	9	10.2	3.8	7	8.3	9.5
40-44	1,067	1,200	3.8	7.2	8.2	9.1	3.3	5.1	7.3	8.4
45-49	703	869	2.6	5.3	7.8	7.7	2.5	4	7	6.6
50-54	367	493	2.4	3.5	5.9	7.1	2.2	2.2	*	5.6
55+	396	795								
Moslems										
15+ Total	721	721								
15-49	*675*	*647*	*3.4*	*6.9*	*5.9*	*6.5*	*3*	*6.4*	*5.3*	*5.9*
Up to 19	99	10	2.8	25	15.8	15.8	5.5	22.1	12.5	15.3
20-24	244	173	6.3	20.6	16.1	17.6	4.2	10.6	9.8	10.5
25-29	141	199	4	7.5	7.6	8.8	2.7	5.9	4.9	5.5
30-34	91	116	3.2	5.8	4.3	4.8	2.1	4	4.2	4.3
35-39	51	65	2.1	3.6	3.9	3.5	2.3	2.3	2.8	3.1
40-44	27	57	2.5	3.8	3.4	4.1	2.4	3	2.1	2.2
45-49	22	27	3.3	1.4	2.3	2.5	2.6	2.4	1.2	2.3
50-54	13	24	2.3	2.2	1.4	2.5	3	2.4	1.6	1.8
55+	23	38								

Source: CBS, SAI 1996

*Published data is 38.8, however our impression is that this is a mistake.

It is important to note that the Central Bureau of Statistics (CBS) presents the number of marriages as they appear in the official marriage and divorce registrar records, which means those marriages and divorces that are conducted in Israel in accordance with Israeli law.

4. Non-Marital Cohabitation

The Israeli legal system recognizes the state of non-marital cohabitation or partnership, and extends rights and obligations to such unions. Thus, for example, economic rights of non-marital partners have been equated to those of married couples for purposes of pensions, social security entitlements, resident's protection against eviction, damage awards under torts law, and more. In the context of inheritance, an additional specification requires that "no prior marriage exists" (i.e. a marriage that has not been terminated) for either of the partners.

In addition to bestowing many economic rights to non-marital partnerships there is a more substantive level of recognition given to such unions. The **Names Law-1956,** and its 1996 amendment is an example. The amendment confirmed a 1993 case, *Efrat v. The Registrar*, which directed the Ministry of Interior to register the change of name of a woman who wanted to change her family name to that of the man who was her non-marital partner. Justice Barak, who deliberated on the case, went into a lengthy discussion about the legal and social attitudes toward non-marital partnerships, and concluded that it is in the public interest to encourage them as forms of family life which are as equally important to society as "formal" families.

Another illustration of the more substantive level of recognition given to non-marital unions can be found in legislation that imposes the same obligations and duties upon both non-marital and marital partners. These include obligations and duties regarding family-violence and duty of care toward minors. The legislature has not gone as far as imposing mutual positive obligations upon the unmarried partners toward each other, thus there is no statutory obligation of support, but case law has held that such an obligation could be construed as an implied commitment under the circumstances. Similarly, case law has held the rule of community property which was developed by the Supreme Court to regulate the area of matrimonial property before the enactment of the **Spouses (Property Relations) Law - 1973**, applies equally to non-marital partners.

Notwithstanding the broad scope of recognition, there still are some areas in which such relationships are not equated to those of formal marriage. Such areas include the provision of immunity from spousal testimony in criminal proceedings, the right of spousal entry to Israel according to the **Entry into Israel Law-1952** , and the right to adopt a child together.

On the level of relationships between non-marital partners and their mutual children, as far as they are determined according to civil law, the lack of formal marriage between the parents has no significance whatsoever upon their duties and rights toward their children. The situation is different with respect to Moslems, who are governed by religious law in this area.

5. Minimum Marital Age

The **Marriage Age Law-1950**, states that the minimum marital age for all women in Israel is 17. No minimal age for men is set. Since the substantive law that applies in matters of marriage is derived from the individual's religious law, the minimal age for men would be drawn from religious law.

The minimal age requirement is accompanied by provisions that make the arrangement of under-age marriages a criminal offense punishable by up to two years imprisonment. The possible offenders include the person who arranges the marriage, the person who conducts the marriage, and the marrying man himself. The under-age woman is excluded. The law also provides that the mere fact that a marriage was conducted in violation of this law is a ground for divorce.

Article 5 of the **Marriage Age Law-1950** provides for two alternative grounds for judicial permission of under-age marriage. The first one relates to circumstances in which the under-age woman is pregnant from or has given birth to the child of the man whom she asks permission to marry. No age limit at all is attached to this ground for exception. The second relates to unspecified "special circumstances" that would justify immediate marriage, provided the woman is over 16 years old. Since the legislature has left those "special circumstances" unspecified, the Supreme Court has taken it upon itself to provide instructions as to the substance of those circumstances. In one of the leading cases, then Justice Barak firmly stated that a community's custom and tradition do not justify marital exception, since it is those traditions and customs that the **Marriage Age Law-1950** was set to abolish.

Criminal sanctions contribute to the reduction of the phenomenon of marriages involving minors. However, it has not been eliminated altogether, as can be seen from the following tables, which contain data of marital ages in Israel.

Table 4 - Marriage of Minors Up to Age 17

Year	Jews			Moslems		
	Brides		Grooms	Brides		Grooms
	Up to 16	17	17	Up to 16	17	17
Average 1975-1979	12.3	48.4	1.2	19.6	133.1	2.2
Average 1985-1989	2.4	17.4	0.3	15.4	140.2	1.7
1991	0.9	13.9	0.1	10.1	179.1	0.7
1992	0.7	11.4		0.5	179.7	
1993*	0.6	10.6	0.2			

*Statistics are not available for this year for Moslems.

Source: CBS, SAI 1996

Table 5 - Marriage of Young People Up to Age 19

Age	Jews	Moslems	Christians	Druze
	Grooms			
Total	26,680	7,857	795	703
Total to age 19	652	540	5	53
Up to 17	18	16		
18	166	186	5	16
19	468	338		37
	Brides			
Total	26,680	7,857	795	703
Total to age 19	3,258	3,845	149	386
Up to 16	27	15	4	2
17	397	1,558	28	157
18	1,147	1,207	45	117
19	1,687	1,045	72	110

Source: CBS, SAI 1996

6. Bigamy

Since questions of marriage and divorce are determined by religious law alone, the secular legislature cannot decree bigamous marriages invalid, when such marriages are recognized by the relevant religious laws, but can only operate against them through criminal law. Section 176 of the **Penal Law-1977**, makes bigamy a criminal offense punishable by 5 years imprisonment. Sections 181-182 prohibit forcing divorce upon one's wife with no judicial decree of divorce, and makes the arrangement of such prohibited marriages or divorces a criminal offense as well.

Sections 179-180 provide exceptions for the rule against bigamy. Section 180 applies to all individuals whose religious affiliation is other than Jewish, and indicates that incapacitation of one's spouse or 7 years absence theerof may justify marriage to another person. Section 179 applies only to Jewish people, providing immunity to a person whose second marriage was permitted by a rabbinical court's judgment that underwent the specific *Halachic* procedure to make it religiously valid.

Since religious law accommodates bigamous marriage, further legislative intervention must be made in particular areas of law where the interests of the two wives may conflict. Such accommodations were developed in response to certain population groups who immigrated to Israel. For example, the **Successions Law - 1965**, specifically states (in section 146), that when the man who dies was married to two women, both of them share in the estate, where ordinarily the estate is given to the sole wife of the deceased.

7. Parents and Children

7. 1. Child Custody

The **Capacity and Guardianship Law - 1962**, which regulates the issue of child custody, is a territorial act. Thus, it applies to all individuals notwithstanding their religious affiliation. The act provides for equal responsibility of both parents toward their children, and directs them to act "in the best interest of the child." Recognition of both parents as equal, natural guardians of their children was also codified in the **Women's Equal Rights Law-1951**.

Confirming the equality of both parents' guardianship over their children, the **Capacity and Guardianship Law-1962** sets a "tender years presumption," which imposes a rule of maternal preference whenever children under six years old are involved. Loss of maternal preference can occur under very rare and extreme circumstances when the mother is considered unfit. In general, most courts tend to favor maternal custody, even when older children are involved. It is important to emphasize, however, that the rule of the "best interests of the child" is the governing norm in all cases, and the maternal preference is simply an implementation of this rule, since it is

/...

usually perceived to be in the best interests of the child - especially during infancy - to remain within the custody of the mother.

7. 2. Paternity and Unwed Mothers

Marital ties between the parents or their lack thereof do not affect the relationship between the parents and the children, as far as civil law is concerned. Due to the differences in the jurisdiction and scope of Moslem law in Israel matters of paternity are under exclusive jurisdiction of *sharia* courts and are governed by Moslem law. A major change recently occurred in this area, when a Supreme Court precedent removed paternity suits and child support claims concerning children born out of marriage from the exclusive jurisdiction of the *sharia* courts to the jurisdiction of civil law.

7. 3. Child Support

Family Law Amendment (Maintenance) - 1959 refers to the individual's personal (religious) law as the law governing questions of child and spousal support. A 1981 amendment to the law provides that the child support obligation of both parents shall be determined relative to each parents' income.

In order to deal with the problem of non-payment, the **Alimony Law (Security Payment) - 1972**, provides assurance of payment by the National Insurance Institute (NII) upon request by the custodian parent, once the indebted parent defaults on his or her payments. This revolutionary mechanism thus releases the creditor from tedious legal proceedings through the Executor's Office, and transfers them to the NII who will take the necessary legal actions against the recalcitrant spouse. The NII in the meantime pays the creditor the amount that was set in the regulations. This is an important expression of Israel's commitment to provide a security net to prevent dependents from falling below the poverty line. Through this mechanism, Israeli law manages to avert some of the unfortunate economic consequences of marital-breakdowns for women and children, which are often enhanced by paternal evasion of economic responsibilities.

8. Married Women's Legal Status with Respect to Property Acquisition and Division of Marital Property upon Marital Breakdown

Following the **Women's Equal Rights Law-1951**, the Supreme-Court's case-law removed the issue of property distribution from the rule of religious law, and ruled that this subject is to be governed by civil-secular law alone.

The governing principle regarding distribution of marital property under Israeli law is the principle of community property. This principle has developed in the Supreme Court's rulings since the early 1960's, and was incorporated into a specific law in the **Spouses (Property Relations) Law - 1973**. The law applies to all couples who were married after 1973, and designates their community property unless the couple contracted otherwise. The judicial "community property rule" applies to all couples who were married before that, and to non-marital cohabitants as well, and works as a presumption that the partners have an equal share in the property, provided there was a "joint effort" by both partners in the accumulation of the family assets.

In principle, the rule of community property, whether embedded in the case law or in the 1973 act, dictates equal sharing not only of property assets and rights, but also of debts and obligations, when these have accrued in relation to the communal property and are not personal in nature. So far the trend in the case law has been to make it rather difficult for creditors to prove the communal nature of the debts. .

9. Law of Inheritance

The **Successions Law - 1965** treats men and women with complete equality. Husbands and wives are equally entitled to each other's estates, and sons and daughters are equally entitled to the same share in their parents' estate, and so on. There is, however, one exception in favor of women, and that is the widow's right to alimony payments from her deceased husband's estate and the right to remain in the home in which they lived together, while no such rights exist in relation to male widowers.

10. Names law

The law relating to the selection of family names has undergone a major change in the past year. Until then, section 6 of the **Names Law - 1956** stated that as a rule, a married woman takes her husband's family name upon marriage, although she may keep her own name or add it to her husband's name. Practically, however, women who wanted to retain their own names discovered that their names were automatically changed upon registration of their marriages, without asking for their preferences. In February 1996 the law was amended, and section 6 now refers to both men and women, stating that upon marriage, a person may retain his or her former name, choose the spouse's family name, add the spouse's family name to the person's former name, select a new family name identical to a new one chosen by his or her spouse, or add it to the former name. In any case, the person shall notify the marriage registrar of his or her choice, making it clear that marriage does not automatically lead to a change of names. In addition to this reform, a provision that mandated that any change in the family name of married couples must be made by the husband and wife together was removed.

As to family names of children, section 3 states that a child acquires his or her parents' family name. If parents have different family names, then, as a rule, the child acquires the father's family name, unless both parents agree that the child would acquire both names. This provision was not changed in the 1996 reform.

11. Single Mothers

The Israeli legal system recognizes the growing phenomenon of single-parent families headed by women and accords them a variety of social benefits and aid. The **Single Parent Family Law-1992** guarantees these social benefits to single mothers.

For example, in recent decision of the Haifa district court, the court voided a decision taken by *kibbutz* members not to include a single-mother with her minor child among the eligible member-families for a new family housing unit, notwithstanding her seniority, since she and her child were not considered a "family." In rejecting the *kibbutz*'s internal decision, the district court asserted that the single-parent family is equal to that of the two-parent, normative family.

Moreover, in February 1997 a decision of the Supreme Court voided regulations that compelled unmarried women to undergo psychological and social worker evaluations before they could receive fertility treatments, such as artificial insemination and ovum donation. The regulations are to expire in 6 months, and the Ministry of Health pledged that within a month an internal directive that guarantees equal access to reproductive health services, regardless of marital status, will be issued.

12. New Reproductive Technologies and Surrogacy

There are more fertility clinics per capita in Israel than in any other country in the world. Moreover, all Israeli residents are entitled to up to seven rounds of in-vitro fertilization treatment, up to the birth of two children, as part of their basic basket of health services.

Israel has become the first state to positively sanction and regulate surrogacy, as evidenced in the March 1996 legislation: **Surrogate Motherhood Agreements (Approval of Agreement and Status of Newborn) Law - 1996**. This law was the result of a long process that included both the recommendations of a public-professional committee (the Aloni Committee, appointed by the Ministers of Justice and of Health in 1991), and several appeals to the High Court of Justice. The law sanctions full surrogacy (where the carrying mother is not genetically related to the resulting child), under very specific conditions. The whole procedure is legal only if done through the prior approval of the surrogacy agreement by a statutory committee composed of seven members of relevant professions (physicians, social-workers, psychologists, attorneys, with mandatory representation of three members of each gender) and a religious official of the contracting couple's religion.

The conditions for approval of surrogacy contracts are:

1) That all parties be adult residents of Israel;
2) That the carrying mother be unmarried (with possible exception under extenuating circumstances);
3) That there is no family-relation between the surrogate and the designated parents;
4) That the surrogate's religion is the same as the designated mother's religion, and:
5) That the sperm used is the designated father's sperm.

/...

The petition for approval must be accompanied by a psychological evaluation of the parties and a medical evaluation as to the inability of the designated mother to become pregnant or carry a pregnancy. The Committee may approve monthly payments to the carrying mother to cover actual costs in addition to compensation for suffering, loss of time, income or earning capacity, or any other reasonable compensation. Any payment the carrying mother receives beyond the amount approved by the Committee is illegal, and subjects all the parties of the agreement, including the carrying mother, to criminal sanctions. If there is a brokerage involved, the Committee needs to see the brokerage agreement as well, but there is no provision for its approval or any restrictions on the brokerage fees.

The third chapter of the law deals with the status of children born as the result of such agreements. In principle, the law designates the contracting couple as the child's legal parents. In order to formalize this principle, within a week of the child's birth the designated parents must apply for a "parenthood order," which the court shall grant, unless convinced it is contrary to the best interests of the child. Prior to the issuance of a parenthood order, the carrying mother may ask to withdraw from the agreement, and the court may grant her petition if convinced that a change in the circumstances justifies her retraction, and the child's best interests will not be jeopardized. In such a case, the court will issue an order which decrees that the carrying mother is the child's legal mother, and may order restitution of expenses. No retraction is possible after the issuance of a parenthood order. The law contains further provisions dealing with other possible complications.

As of January 1997, the Committee has examined 10 applications and has approved 3 agreements. According to the Committee's administrative assistant, there are presently 50 couples seeking surrogacy agreements. Some couples apply through brokerage agencies, but most apply to the Committee independently.

Significantly, throughout the public debate that surrounded all stages of enactment of this law, the only public voice that was heard against legal sanction of surrogacy was that of the Israel Women's Network.

/...

Selected Bibliography

Adar, Gila. **Women in Public Roles in the Kibbutz**. Haifa University, Institute for the Research of the Kibbutz. 1993 (in Hebrew).

Adar, Gila & Palgi, Michal. **Women in the Changing Kibbutz**. Haifa University, Institute for the Research of the Kibbutz, 1996 (in Hebrew).

Adva Center, **Information on Equality**, No.2, 1992 (in Hebrew).

Adva Center, **Early Childhood Education in Israel, Information on Equality** No.3, 1993 (in Hebrew).

Adva Center, **An Examination of the Health Ministry's Budget 1990-1997** 1996.

Adva Center, **National Insurance Health Law -Equality, Efficiency, Cost.** 1996 (in Hebrew).

Alatona, **Bedouin Women in Israel**, 1993 (in Hebrew).

Association for Civil Rights in Israel, **Israel Human Rights Focus: 1996.** Jerusalem, 1996.

H. Ayalon & A. Yogev , "The Effect of Tuitions-Free Secondary Schooling on Equality of Educational Opportunities in Israel", Tel-Aviv University, School of Education, 1985 (in Hebrew).

H. Ayalon, D. Kfir & R. Shapira (1990), "Girls' and Women's Education in Israel - Goals, Achievmentsand their Social Meaning", Tel-Aviv University, School of Education, 1990 (in Hebrew).

E. Avgar (ed.), **Breast Cancer in Israel,** 1996 (in Hebrew).

Azmon, Yael, and Dafna Izraeli, eds. **Women in Israel.** New Brunswick, N.J.: Transaction Publishers, 1993.

Belmaker *Et Al.* "Ritual Female Genital Surgery Among Bedouin in Israel" (unpublished).

Bogoch, Bryna and Rochelle Don-Yechiya. **Gender and the Administration of Justice in the Israeli Courts** 1997 (unpublished).

Caspi D. & Limor Y. "The Feminization of Israeli Press", 15 **Kesher** 37, 1994 (in Hebrew).

Center for Disease Control, **International Mortality Chartbook - Levels and Trends 1955-91**, 1994.

Central Bureau of Statistics, **Education and Culture - Selected Data 1995.**

Central Bureau of Statistics, **Educational Institutions - Kindergardens, Primary and Secondary Schools 1994/95**, Current Briefings and Statistics No. 16, 1996.

Central Bureau of Statistics, **Income of Employees- 1992/93, No. 1000**, Jerusalem, 1995.

Central Bureau of Statistics, **Labour Force Surveys- 1994, No. 1024,** 1996.

Central Bureau of Statistics, **Labour Force Surveys- 1995, No. 20**, 1996.

Central Bureau of Statistics, **Statistical Abstract of Israel, no. 47, 1996.**

Central Bureau of Statistics, **Survey of Teaching Staff - Kindergardens, Primary and Post-Primary Schools, Teacher Training Colleges, Hebrew and Arab Education 1992/93**, Series of Education and Culture Statistics No.222, 1994.

Central Bureau of Statistics, **Time Use in Israel, Time Budget Survey 1991-1992**, Special Series No. 996.

Central Bureau of Statistics, **Time Use in Israel, Additional Findings from the Time budget Survey 1991-92, No. 1029.** 1996.

Efroni, L., "Promotion and Salaries of Men and Women in the Public Sector in Israel- Interim Report," 1990.

Eillam, Esther. **Rape Survivors, Rape Crimes and the Authorities in Israel**. Jerusalem, Jerusalem Institute for Israel Studies, 1994 (in Hebrew).

Herzog, E. "Aspects of Gender Inequality in the Education System", **Educational Times 1996**, 6 1996 (in Hebrew).

Herzog, H. "Identities at a Crossroad: Israeli Citizens Palestinian Women" (manuscript) 1996 (in Hebrew).

Hoftman, T. "Rape--the Element of Consent and Laws of Evidence." **Women's Status In Israeli Law and Society**. Ed. F. Radai, C. Shalev, and M. Liban-Kooby. Tel Aviv: Schocken Publishing House, 1995 (in Hebrew).

Ibrahim, A. "The Status of the Arab Woman in Israel", **Sikkuy** 1993 (in Hebrew).

Israel Women's Network, **Equal Opportunities to Girls and Boys in the Education System** (lectures delivered on May 27 1993). 1994 (in Hebrew).

Israel's Women's Network, **Reproduction, Health and Well-Being Among Women in Israel**, (A Background Paper for the International Conference on Population and Development) 1994.

Israel Women's Network, **Women and Service in the IDF: Reality, Aspiration, and Vision**, 1995 (in Hebrew).

Israel's Women's Network, **Women in Israel, Information and Analysis**, 1996.

Israeli Sexual Violence Victims' Help Centers Union. **Yearly Report 1994**. (in Hebrew and Arabic).

Izraeli, Dafna, "Gendering Military Service in the Israeli Defense Forces." **Israel Social Science Research** 1997 (to be published).

JDC- Brookdale Institute, **The Absorption of Single-Parent Immigrant Families From the Former Soviet Union, Research Summary,** 1994 (in Hebrew).

JDC- Brookdale Institute, **The Employment and Economic Situation of Immigrants from the Former Soviet Union**, 1995 (in Hebrew).

Jerby, Iris. **The Double Price: Women Status and Military Service in Israel**: Tel-Aviv, Ramot-Tel-Aviv University, 1996 (in Hebrew).

Kanai, Ruth. "The Mens Rea Required for the Circumstances of an Offence." **Bar-Ilan University Law Review** 1994: 147-173 (in Hebrew).

Lapidoth, A. "Tax Imposed on Married Women." **Women's Status In Israeli Law and Society**. Ed. F. Radai, C. Shalev, and M. Liban-Kooby. Tel Aviv: Schocken Publishing House, 1995 (in Hebrew).

Lemish, Dafna, and Tidhar, Chava E. "Still Marginal: Women in Israel's 1996 Television Election Campaign." November 1996 (manuscript) (in Hebrew).

Meler, Z. "Expressions of Gender-Stereotypes in School Books in the Israeli State Educational System", The Kibbutz Seminar Yearbook 86, 1990 (in Hebrew).

Mikayas, R. "The Prevention of Violence in the Familiy Law-1991." **Women's Status In Israeli Law and Society**. Ed. F. Radai, C. Shalev, and M. Liban-Kooby. Tel Aviv: Schocken Publishing House, 1995 (in Hebrew).

Ministry of Education, Culture and Sport, **The Development of Education - National Report of Israel 1996.**

Ministry of Education, **A Gender Found its Equality** (N. Segen Ed.) 1995 (in Hebrew).

Ministry of Finance, **1995 Yearly Report,** Jerusalem, 1996.

Ministry of Health, **Health in Israel,** 1996.

Natanzon, Rubi. "The Status of the Arab Women in the Work Place." Office of the Prime Minister 1996 (in Hebrew).

Natanzon, Rubi. **Suggestions for the Improvement of the Status of Women--Needs and Budgets for 1997**. The Israeli Institute for Economic and Social Research 1996 (in Hebrew).

Radai, F., C. Shalev, and M. Liban-Kooby, eds. **Women's Status In Israeli Law and Society.** Tel Aviv: Schocken Publishing House, 1995 (in Hebrew).

Radai, Frances. "Women in Law in Israel: A Study of the Relationship between Professional Integration and Feminism." **Georgia State Univ. L. Rev.** 1996: 525-552.

Shalev, Carmel. "Surrogate Motherhood- Commercializing Fertility." **Social Security** 46, Sep. 1996: 87-100 (in Hebrew).

Shalev, Carmel. "Health Rights", (manuscript) 1996 (in Hebrew).

Shalev, Orit and Pinhas Yehezkeli. "Model for Systematic and Comprehensive Treatment of Drug-Using and Domestic Violence Offenses at the Be'er Sheva Station." **Israeli Journal of Criminal Law** 1994: 223-261 (in Hebrew).

Shahar, Ayelet. "The Sexuality of the Law: the Legal Discourse on Rape." **Tel-Aviv University Law Review** 1993: 159-199 (in Hebrew).

Shahar, Rina. "Equal Opportunities for the Sexes in the Education System--Between Reality and Vision" (manuscript) 1996 (in Hebrew).

Shamir, Ada. "The Status of the Housewife in National Insurance." **Women's Status In Israeli Law and Society**. Ed. F. Radai, C. Shalev, and M. Liban-Kooby. Tel Aviv: Schocken Publishing House, 1995 (in Hebrew).

Wenzel, Mirjam. **Women's Movements in Israel**, 1996.

World Health Organization, **Highlights on Health in Israel**, 1996.

Weimann, Gabriel and Gideon Fishman, "Attribution of Responsibility: Sex-Based Bias in Press Reports on Crime." **European Journal of Communication**, Vol.3, 1988, 415-430.

Yishay, Yael. **Between the Flag and the Banner: Women in Israeli Politics,** Albany, State University of New York, 1997.
